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RESEARCH STUDIES OF THE STATE COLLEGE OF WASHINGTON



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RESEARCH STUDIES
of the
STATE COLLEGE OF WASHINGTON

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RESEARCH STUDIES of the STATE COLLEGE OF WASHINGTON

Volume XIII

March, 1945

Number 1

SOCIOLOGISTS, WHAT NOW?¹

WILLIAM C. SMITH
Linfield College

Though the Pacific Sociological Society does not pay a salary to its president, there are certain compensations which accrue from the presidential office. According to custom, he is expected to deliver a presidential address, and there is a certain solemnity about the occasion which protects him against the usual criticism which other members must face. He is not required to present a research paper based on all the refinements of statistical procedure. He may resort to opinion and, at times, even to exhortation. Even though we are not holding our annual meeting, your president is taking advantage of the opportunity to express some opinions.

In 1941 the writer responded to the circular letter of the program chairman of our Society that he would be willing to contribute a paper on "The Sociology of Salvation." The chairman replied: "If the subject you suggested . . . had been the 'Salvation of Sociology (or better still Sociologists)' we would not have found the slightest difficulty fitting it into our program." Was there not more truth than poetry in that witticism?

On May 6, 1939, *The Saturday Review of Literature* published what purported to be a review of a book in sociology. The article touched the book at only a few points, but under the title of "What's the Matter with the Sociologists?" the reviewer (a historian in his glass house not invulnerable to stones) proceeded to riddle sociology and sociologists. Even though the article made evident the reviewer's personal bias against a sociologist colleague of his, it did offer some pertinent criticisms. Because criticisms come from various sources, it may be well for sociologists to pause occasionally and take inventories of themselves.

In 1927, Ogburn and Goldenweiser wrote that "unless all signs deceive us, [the social sciences] will constitute the contribution of the twentieth century to human thought and power. Civilization, nurtured

¹Prepared as the Presidential Address for the annual meeting of the Pacific Sociological Society.

and strengthened by the natural and the exact sciences, must henceforth look for its preservation and enhancement to the sciences of society.”² As we are approaching the half-way point in the century, how shall we evaluate this optimistic forecast? Certainly our civilization has been receiving some jarring body blows. Where now are the contributions of the social sciences to “human thought and power?” Perhaps the necessary contributions are available, but it is evident that policy-makers are not accepting and using them. We shall not attempt to answer for all the social sciences, but shall limit ourselves to sociology.

On the basis of any fair estimate, the sociologists have done much in a comparatively short span of years. They have been working diligently and have amassed a large fund of factual data—the pigeon-holes are fairly bulging with the accumulations. In spite of that, we may still ask if the results have been commensurate with the effort.

As we consider the work of the sociologists, a number of glaring weaknesses become apparent. How significant is the fund of data now available? When one peruses the annual census of research as published in the *American Sociological Review*, can one be deeply impressed by the array? Is it not one grand hodge-podge of inconsequential? Does much of this research promise to be any more significant than the learned thesis written by the historian on “The Suspenders of Henry VIII”?

This collection of tiny, unrelated scraps from hither and yon gives no evidence that any rational, orderly plan is being followed. It is atomism carried to the nth degree. In the extreme specialization, slight attention is paid to research in other fields. Furthermore, within some large departments each member cultivates his own narrow segment to the almost total exclusion of his colleagues. Because of this narrowness, our potential leaders usually become mere robots who are less qualified to give intelligent judgments on general social problems than is the relatively untrained man of the street.

As we view this plan-less, uncoordinated, buzzing research activity, we ask if it should not be possible for a committee of the American Sociological Society to give some direction to studies and suggest some gaps that need to be filled. Could not this bring about more coöperation and reduce overlapping? With some such coöperative

²*The Social Sciences and Their Interrelations* (Boston, 1927), p. 9.

effort it should not be necessary to say so often that data are not available and that we must suspend judgment until someone *by chance* does some of the necessary spade work in that particular sector.

Has not this situation in considerable measure been responsible for the non-acceptance of sociologists as well as of sociology? Have many sociologists been called into important government service during the war emergency? A considerable number, to be sure, have been drafted, but is it not because they are statisticians and have skills which can be employed in non-sociological fields, rather than because they are versed in sociological theory or because of any distinctive contribution they make in the sociological field? Nels Anderson has made a pertinent statement: "During my seven years service in a federal welfare and work agency . . . I have not encountered half a dozen sociologists. Surely the sociologists are aware of these problems but they do not seem to be around where issues are being handled."³

In fairness to sociologists and other social scientists, we must admit that it is exceedingly difficult for them to gain public confidence because, in most instances, there is no solution to social problems. If a man is stricken by appendicitis, the surgeon usually has a solution that is satisfactory both to the patient and to all others concerned. According to many, the social scientist should be able to produce comparable results in the social field, so that all would be benefited and satisfied. But there seems to be no economic or social blueprint that will please all. The State Department enters into a reciprocal trade agreement that may lower the price of meat for city workers. Then the cattlemen of the middle states shout in chorus, "We are ruined." The Grange asks Congress to lower the tariff to reduce prices on farm machinery. Then the "infant" steel industry sets up a tearful wail. Because the social scientists are unable to solve problems to the satisfaction of all concerned, they are by-passed for practical men who have all the solutions.

As we consider the situation in sociology, we may well ponder the words of Dwight Sanderson in his presidential address to the American Sociological Society:

Some of the greatest advances in physical sciences are coming through the teamwork of scientists in industrial laboratories. We hear less of individual Edisons or Marconis and more of research teams. Do we not need more active collaboration between teams of sociologists in the discovery of new truth rather

³ *American Sociological Review*, V (April, 1940), 183.

than so many aspiring individual star performers? We seem to have an excess of the latter and too few who are willing to work together for discovering and testing new truth regardless of individual credit. We are keen on showing the flaws in the work of our colleagues, but how often do we collaborate with each other to discover the truth on which we can agree, rather than to merely refute the partial truth?⁴

There are several reasons for this quantity production in sociology. Many sociologists enter the teaching profession and there, unlike the medical or legal professions, advancement is in the hands of others. Because of our extreme specialization, appointive and promotive officers are not competent to judge college teachers on their merits, but they can count the number of printed pages. This, in part, is responsible for the drive to carry on research and publish, no matter what may be the significance of the products.

The contributions of the sociologists cannot be used, according to some, because they build up an unnecessary jargon which the outsider cannot understand. There is some truth in the charge, but it is not the whole story. Sociologists need a more precise terminology. Webster's *Dictionary* has some 200,000 words, but still the physicist has invented new terms and these definite concepts have helped his science advance. Sociologists have, in the main, used the language of the marketplace with its lack of precision. Attempts have been made to sharpen certain terms and invent some new ones. There seems to be a tendency to use big and ponderous words.

There may be several reasons for this unsatisfactory terminology. A drive for originality is a factor in the situation. If a writer is not *original*, he may have to read the soul-chilling reviewer's estimate: "Just another book." He must, accordingly, invent new terms instead of adopting those already published or attempting to give them greater precision. This urge for originality leads some to give confusing twists to terms that have come to be fairly well accepted.

A non-sociologist has ventured the cruel opinion that this ponderous jargon is used as a protective shell, for the outsider cannot well criticize what he does not in the least understand. Does this mean that sociologists lack the courage to face real issues? Stuart A. Queen raised some pertinent questions about this in his presidential address before the American Sociological Society under the title "Can Sociologists Face Reality?"⁵

⁴ *American Sociological Review*, VIII (February, 1943), 8.

⁵ *American Sociological Review*, VII (February, 1942), 1-12.

On the other hand, it may be necessary to use a relatively unknown language. Social scientists are in constant danger of attack by the vested interests and, for the present, it may be wiser to do some of their work under the shelter of polysyllabic terminology until they are better prepared to meet these attacks.

In some instances one is almost forced to conclude that the writer is seeking immortality—he wants to be remembered. A professor writes an abstruse book that no one can understand, and then a brilliant graduate student writes a learned dissertation in which he tries to tell his fellow sociologists what Professor Polysyllabitis meant to say in his ponderous tome. Then when the professor has become emeritus, he finds great satisfaction in reading the dissertation.

For some time it has been quite generally accepted that the sociologist should collect factual data, but it is no concern of his how the facts may be used. We have been cursed by a worship of factual information. There has been the assumption that if we could only gather sufficient data, no matter what kind, enlightenment would come upon us and the facts would come to have meaning for a fact-starved world. The sociologist must be objective and maintain a rigid aloofness. If he should give way and make value judgments, his researches would be vitiated.

That position, however, is being attacked from several angles. A writer in the *Antioch Review* says: "No learning which cannot justify itself by public works and public faith can exist long in a civilization under stress Fact-finding is only part of the educational process and he who does not draw conclusions is shirking his job Nor is it going to be enough vaguely to defend objective inquiry or the scientific spirit."⁶ J. O. Hertzler writes: "Trustworthy analyses can be made, and reasonably accurate and usable data collected, enabling those properly informed to interpret and even anticipate trends and actually telicly to control and direct at least some of the social processes to constructive ends."⁷ Reuter and Runner write: "If the material civilization resulting from scientific inventions and discoveries is not shortly to end in catastrophe, there must be developed a sociology adequate to the social need."⁸ Robert S. Lynd directs some shattering blows at the ivory-tower aloofness. He states among other

⁶I (Spring, 1941), 107.

⁷*Social Institutions* (New York, 1929), pp. 206-07.

⁸*The Family* (New York, 1931), p. 580.

things: "Social science will stand or fall on the basis of its serviceability to men as they struggle to live."⁹ Gunnar Myrdal has attacked the so-called disinterestedness of the scientist. He declares that the avoidance of practical conclusions is detrimental to true scientific objectivity. As a rejoinder to the position that much more research must be carried out before it is possible to plan wise action, he states that we cannot wait until a lagging social science has collected a sufficiency of data but that practical action must be taken day by day and that the social scientist, even if there are gaps in his knowledge, is in a better position to make judgments than the ones who are allowed to guide public policy. We cannot wait until all the facts are in, for that time will never come. Furthermore, we cannot say that "the facts speak for themselves" so that the politician and ordinary citizen may draw the necessary practical conclusions. The difficulty is that we do not act on the basis of facts but on the interpretation of facts, and that is conditioned by experience. The social scientist, who has amassed the data, has an obligation to organize, evaluate, and interpret the findings for the practitioner and not merely overwhelm him with the raw data.¹⁰ E. H. Sutherland states that criminology is concerned with immediately practical programs of controlling crime. If the practical programs had to wait until theoretical knowledge would be complete, they would have to wait for eternity.¹¹

Can there be any valid reason why sociologists should be debarred from drawing conclusions from scientific findings? Actually it has been a violation of the ethical code for sociologists to draw conclusions or express value judgments—that has been the prerogative of the barber-shop philosophers, and they have evinced no hesitancy in expressing their opinions. For the present, the most important task of the sociologist is that of fundamental research, but it is at least a debatable question whether or not much so-called research is well-directed and basic. Because of having been called pseudoscientists, sociologists have leaned over backward to convince the most skeptical that they were able to master scientific techniques. They have turned to quantitative methods with a vengeance and now tend to be enamored of their statistical refinements. They fear that they might be

⁹*Knowledge for What?* (Princeton, 1940), p. 177.

¹⁰*An American Dilemma: The Negro Problem and Modern Democracy* (New York, 1944), pp. 1035-64.

¹¹*Principles of Criminology* (Chicago, 1939), pp. 1-2.

called "reformers" and will have nothing to do with value judgments—that seems to be dangerous as cobra poison. The sociologist wants to be considered scientific. But science has its limitations. According to Louis Wirth, "the attempt to carry over the tradition and the whole apparatus of scientific work from the physical to the social realm has often resulted in confusion, misunderstanding, and sterility."¹² One important difference between social science and physical science is the fact that in the former the observer, because of actually being a part of the observed, has a personal stake in the process of observation and hence cannot avoid making evaluations. When dealing with physical things, we can be more completely detached, but in social life we cannot "disregard the values and goal of acts without missing the significance of many of the facts involved."¹³ Among other things, science also abstracts a small segment from the whole and works with that, but does not necessarily see the relation of this aspect to the total situation. The sociologist needs to see the total configuration. Sociologists, like many others in our day, have become victims of grandiose expectations and have indulged in "sublime dreams about the benefits which science could confer upon the human race."¹⁴ Is there not danger that sociologists may overdo the ritual of conducting research that is not significant in their endeavor to show that they are masters of scientific techniques approved by the physical sciences?

Have the sociologists, in their efforts to be considered scientific, used every advantage? Much is said about testing hypotheses. But the social scientist cannot do that as readily as the natural scientist. Would it be a dangerous procedure to try some social experiments to help extend the horizons of our knowledge? The natural scientist carries on experiments, many of which produce negative results, but even these have their value. Why should the social scientist be so hesitant about experimentation *until all the data are in*? Such a point of view, in reality, assumes that we live in a static world and that some day we shall have complete knowledge. We live, on the contrary, in a dynamic world where all conclusions and judgments must be tentative. Sanderson states that, though we must emphasize fundamental research, "our results can be validated only by trying them out, by applying them practically to the solution of social problems. . . .

¹² Karl Mannheim, *Ideology and Utopia* (New York, 1936), p. xiv.

¹³ *Ibid.*, p. xxii.

¹⁴ *Ibid.*, p. xxvi.

Fundamental research is sterile, its value unproven without its application."¹⁵ Sutherland states that "theoretical knowledge is increased most significantly in the efforts at social control."¹⁶

It would, doubtless, be unwise to force the scholar out into the conduct of practical affairs, for he is usually less skilled in the capacity than many others. Nevertheless, the sociologist should bring his cloister-formulated hypotheses into closer touch with actuality and present his conclusions in such forms that the social technologist can understand and use them.

PRE-WAR AND WARTIME MIGRATION TO SEATTLE

CALVIN F. SCHMID

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For many decades prior to the present world conflict the larger currents of internal migration have been to the Pacific Coast. Even during the depression years of the 1930's, there was a westward migration of considerable magnitude, but with the coming of the war this trend was greatly accelerated. Never before have so many people moved from one part of the United States to another in such a short time.

In addition to the increase in tempo and volume, the present war migration to the Pacific Coast contrasts in other respects with migration during the pre-war period: migration in the 1930's was characteristically a depression migration of poverty-stricken workers and their families seeking employment, frequently without success and at relatively low wages, whereas the present war migration is a boom migration with an excess of available jobs paying high wages. Moreover, migration during the 1930's was generally discouraged and viewed with serious concern, but today migration for employment in the already congested war-production centers is considered a patriotic duty and is stimulated by well-planned propaganda and recruiting agents as well as by various kinds of special inducements.¹

¹⁵ *American Sociological Review*, VIII (February, 1943), 8.

¹⁶ *Op. cit.*, p. 2.

¹ Cf. Howard B. Myers, "Defense Migration and Labor Supply," *Journal of the American Statistical Association*, XXXVII (1942), pp. 69-76.

I. SUMMARY OF IN- AND OUT-MIGRATION

The present paper is a brief statistical summary of in-migration to and out-migration from the city of Seattle between 1935 and 1940 and between 1940 and 1944.²

More than one out of every four persons living in Seattle in June, 1944, had moved into the city since April 1, 1940. The 1944 sample census showed 103,608 in-migrants—that is, persons four years old and over who lived outside of the city on April 1, 1940. This figure represents 25.5 per cent of the 406,764 people classified as “resident population.” All children under four years old, and all who lived in Seattle on April 1, 1940, were regarded as nonmigrants. Furthermore, the many thousands of men and women in the armed forces living on military and naval establishments or ships located within the corporate limits of the city were not included in the 1944 statistics. These figures, therefore, refer primarily to the resident civilian population, although a relatively few members of the armed forces living off post with their wives or families are included.³

On April 1, 1940, approximately one out of every seven persons in Seattle had moved into the city since April 1, 1935. There were 56,030 in-migrants, or 15.2 per cent, in a total population of 368,302. The rate of in-migration averaged 934 per month between April 1, 1935, to April 1, 1940, as compared to 2,072 per month between the latter date and June 1, 1944. It also should be pointed out that most of the migration in the latter period took place since the summer of 1941.

During these same periods—1935 to 1940 and 1940 to 1944—there has been an out-migration from Seattle comprising many thousands of people. When the 1940 Census was taken, 69,907 people in various parts of the country gave Seattle as their place of residence on April 1,

² All the basic statistical data as well as part of the interpretations and phraseology were derived from three publications of the United States Bureau of the Census: (1) *Populations Internal Migration, 1935 to 1940*, Sixteenth Census of the United States (1943); (2) *Characteristics of the Population, Labor Force, Families, and Housing, Puget Sound Congested Production Areas June, 1944*, Series CA-3, No. 8 (September 7, 1944); and (3) *Wartime Changes in Population and Family Characteristics, Puget Sound Congested Production Area: June 1944*, Series CA-2, No. 8 (September 12, 1944).

³ For a more detailed discussion of the terminology and definitions used in the 1944 sample census, as well as their implications for the wartime population of Seattle, see the following study prepared by the present author: *Report of the Census Board for the Years 1943 and 1944*, State of Washington (Olympia, 1944), esp. pp. 27-30.

1935. The number of out-migrants (69,907) showed an excess of 13,877 over the number of in-migrants (56,030) during this quinquennial period.⁴

Complete statistics on the number of out-migrants from Seattle between 1940 and 1944 have not been compiled, but all available information indicates a relatively heavy out-migration.

II. ORIGIN OF IN-MIGRANTS AND DESTINATION OF OUT-MIGRANTS

In many respects the sources of in-migrants to Seattle both during the pre-war and war periods are very similar. It will be observed from Charts 1 and 2 that, of the nine geographical divisions, the New England and the East South Central Divisions contributed the smallest number of in-migrants for both periods, whereas the Pacific, West North Central, and Mountain Divisions contributed the largest number.⁵

The Pacific Coast Division seems to rank relatively more important as a source of in-migration during the pre-war period, and the West North Central and Mountain Divisions comparatively more important during the war period. Since the heavily populated areas of Pierce, Snohomish, and Kitsap Counties, as well as a large part of King County, are excluded as a source of in-migration in the data presented in Chart 2, the percentage of in-migrants from the remainder of the state of Washington would, of course, tend to be smaller.

The various geographical divisions show the following percentages of in-migrants to Seattle for the pre-war and war periods, respectively: Pacific Coast (exclusive of Washington), 20.8 per cent and 13.6 per cent; Washington, 42.5 and 24.5; West North Central, 14.3 and 22.5; Mountain, 8.9 and 17.3; East North Central, 6.2 and 8.4; Middle At-

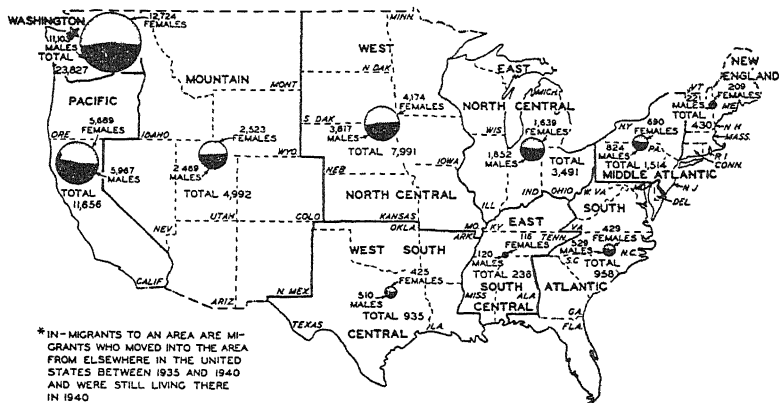
⁴ The number of out-migrants from the larger cities and from urban parts of states is undoubtedly overstated at the expense of rural areas. This overstatement probably results from a tendency of migrants from the suburbs of an urban place or from RFD routes out of the urban place to give the urban place as their former residence, particularly migrants who had moved long distances.

⁵ Because the 1944 data on in-migration according to place of origin are not tabulated for the city of Seattle separately, statistics concerning the "Puget Sound Congested Production Area" have been analyzed and compared with the data for the pre-war period. The "Puget Sound Congested Production Area" includes all of King, Kitsap, Pierce, and Snohomish Counties. Seattle comprises approximately 41.0 per cent of the population in these four counties. Inasmuch as there is such a marked similarity between the composition of the in-migrant population of Seattle and that of the remainder of the "Puget Sound Congested Production Area," it is safe to assume that this similarity also obtains for place of origin.

IN-AND OUT-MIGRANTS SEATTLE: 1935 TO 1940

IN-MIGRANTS*

IN-MIGRANT RESIDENTS OF SEATTLE IN 1940
BY PLACE OF RESIDENCE IN 1935



OUT-MIGRANTS†

OUT-MIGRANTS BY PLACE OF RESIDENCE IN 1940
WHO LIVED IN SEATTLE IN 1935

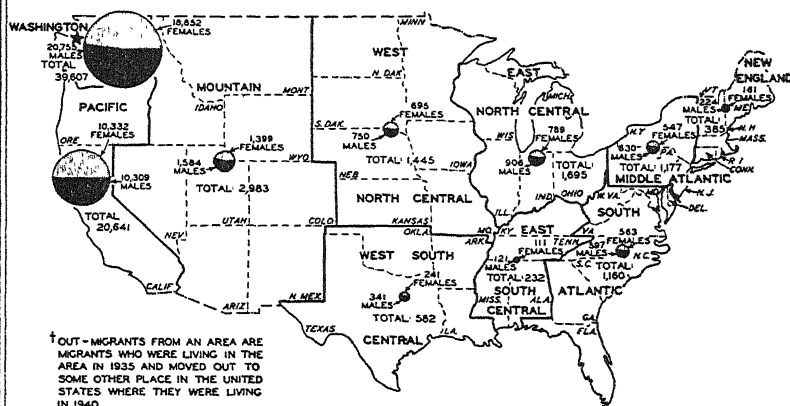


CHART 1

IN-MIGRANT RESIDENTS BY PLACE OF RESIDENCE IN 1940 PUGET SOUND AREA: 1944

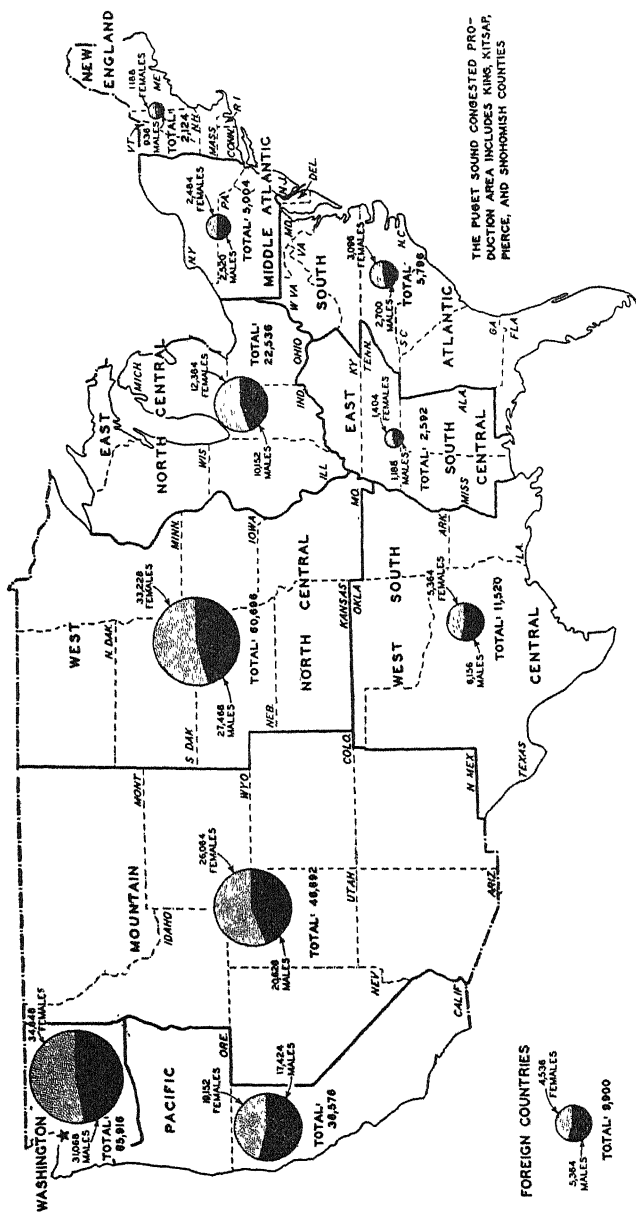


CHART 2

lantic, 2.7 and 1.9; South Atlantic, 1.7 and 2.2; West South Central, 1.7 and 4.3; New England, 0.8 and 0.8; and East South Central, 0.4 and 1.0.

The destinations of out-migrants during the five-year period 1935 to 1940 are as follows: Washington 39,607, or 56.7 per cent; Oregon and California 20,641, or 29.5 per cent; Mountain 2,983, or 4.3 per cent; East North Central 1,695, or 2.4 per cent; West North Central 1,445, or 2.1 per cent; Middle Atlantic 1,177, or 1.7 per cent; South Atlantic 1,160, or 1.7 per cent; West South Central 582, or 0.8 per cent; New England 385, or 0.6 per cent; and East South Central 232, or 0.3 per cent.

In summary, during the quinquennial period 1935 to 1940, 23,827 (or 42.5 per cent) of the in-migrants to Seattle came from the balance of the state of Washington, 5,580 (or 10.0 per cent) from contiguous states, and 26,623 (or 47.5 per cent) from noncontiguous states. Over one-third (68.3 per cent) of the in-migrants came from urban areas, 29.8 per cent were from rural areas, and in 1.1 per cent of the cases no information was given. Among the 69,907 out-migrants, 39,607 (or 56.7 per cent) moved to some other part of the state, 6,117 (or 8.8 per cent) moved to contiguous states. Approximately one-half (49.6 per cent) of the out-migrants moved to other urban areas and the other half (50.4 per cent) to rural areas. From these facts it will be observed that the balance of the state of Washington, as well as rural areas, showed a net gain of out-migrants from the city of Seattle.

III. MIGRATION DIFFERENTIALS

Of the 56,030 pre-war in-migrants to Seattle, 27,412 (or 48.9 per cent) were males and 28,618 (or 51.1 per cent) females. Male in-migrants constituted 14.9 per cent and female in-migrants 15.2 per cent of the 1940 population of Seattle. The out-migrants showed a higher proportion of males: 36,317 (or 51.8 per cent) of the 69,907 out-migrants were males and 33,690 (or 48.2 per cent) were females.

The overwhelming proportion of in-migrants between 1935 and 1940 were classified as white. A little more than 1,000 (1,205) were nonwhite. Among the nonwhite migrants, 787 (or 65.2 per cent) were males and 418 (or 34.8 per cent) females.⁶

⁶ Additional data on migration differentials are not available for the period 1935 to 1940.

The wartime migrants to Seattle have had a much more significant and far-reaching influence on the population than have the pre-war migrants. A comparison of the population of 1940 with that of 1944 reveals many striking differences which can be attributed to the large influx of wartime migrants. Some of the more important characteristics of this group are as follows: First, there is an excess of females. Of the 103,608 in-migrants, 45,720 (or 44.1 per cent) were males and 57,888 (or 55.9 per cent) females. Second, there is a preponderance of young adults. Only 18.6 per cent of the in-migrants were 45 years old and over, in contrast with 37.0 per cent of the non-migrant population. Third, there is an increase in the number of Negroes. The Negro population of Seattle increased from 3,789 in 1940 to 5,400 in 1944.⁷ Fourth, there is a large number of temporarily separated married people. Altogether 6.7 per cent of the in-migrant married men and 17.5 per cent of the in-migrant married women were living apart from their spouses. The corresponding figures for non-migrants were 3.5 per cent of the married men and 11.9 per cent of the married women.

⁷ Another important wartime change in the racial composition of the population of Seattle was the virtual disappearance of the largest pre-war minority group—the Japanese. In the spring of 1942, approximately 6,900 Japanese were evacuated by the Western Defense Command and Fourth Army Wartime Civil Control Administration.

TOO MANY WORKERS — A POST-WAR FARM LABOR PROBLEM

WALTER C. MCKAIN, Jr.

Bureau of Agricultural Economics, U.S.D.A.

A supply of farm workers nicely adjusted to fluctuating labor needs should be the goal of laborers and their employers as well. Before the war the three Pacific Coast States had an annual wage bill approaching \$200,000,000. For farm workers this huge sum should have meant annual family incomes sufficient to maintain a level of living comparable to that of urban workers of similar skills. For their employers it should have assured an ample supply of farm laborers ready and able to assume the gigantic task of harvesting the region's crops. Instead, discontent on the part of both farmers and laborers has prevailed. Intermittent employment, substandard living conditions, and lack of security have made the farm laborer's life precarious and far from satisfying. Despite wage rates and total outlay for wages that exceed payment made for agricultural labor in other sections of the country, employers on the West Coast have not been able to count on a steady supply of competent farm workers.

One of the most important reasons for the chaotic conditions that have characterized the West's farm employment situation has been an oversupply of farm workers.² The fact that the farm-labor force has been larger than needed has done more than lower the annual wages of the workers. In many instances it has discouraged employers from instituting changes in their farm operations and hiring practices that would decasualize farm employment. As long as labor is a plentiful commodity, farmers have neither the opportunity nor the short-run incentive to regularize employment. Lacking an oversupply of workers, many farm operators would rearrange their enterprises and adjust

¹ Acknowledgment is made to William H. Metzler, Social Science Analyst, Bureau of Agricultural Economics, Berkeley, California, for contributing valuable ideas and suggestions during the preparation of the article.

² There are many reasons for the imbroglio in which agricultural employment on the West Coast has been for so long a time. Extreme variations in the demand for farm labor from one part of the year to another have meant labor shortages for growers during one period of the year and idleness for thousands of workers during other periods. Workers representing minority groupings in the population have not always had wise and competent leadership. Injustices brought about by the machinations of a few employers or a few workers have unduly aggravated the conflict existing between farmoperators and farm laborers.

their hiring policies to make the most efficient use of the existing labor supply. Post-war adjustment in western agriculture that will insure an adequate supply of trained workers and at the same time avoid periods of underemployment for farm workers must be predicated upon a farm-labor force that does not exceed the demand.

POST-WAR LABOR SUPPLY

To understand the probable relationship that will exist between farm-labor needs and supply after the war, it is necessary to analyze each of these items separately. Many factors will influence the post-war supply of farm workers on the West Coast. Estimates of the supply must be based upon the number of workers available during the war years, the number that will probably leave the present labor force, and the number that may be added to it.

Change in the number of persons employed in West Coast agriculture has been small, although the turnover has been large. Huge withdrawals from the farm-labor force have been more than offset by additions.³ It is estimated that a total of 200,000 farm workers left agriculture between 1940 and 1944. Eighty thousand of these went into the armed forces.⁴ The remainder found their way into war plants and other nonagricultural occupations.⁵ The gaps created by the loss of these workers were filled in many ways. Fuller utilization of the farm-labor force has probably added sixty thousand workers to the number employed.⁶ An additional forty thousand are emergency workers; this includes about thirty thousand Mexican nationals.⁷ The surplus of young people entering the farm-labor force over deaths and

³ California State Reconstruction and Recmployment Commission, *How Many Jobs for Californians?* (Pamphlet 6, December, 1944), p. 11.

⁴ Approximately a million persons from California, Oregon, and Washington are now in the armed forces. It is estimated that about 8 per cent of these came from the farm-labor force. Bureau of the Census, *Population*, Special Reports, Series P-44, No. 7, Aug. 28, 1944; *Selective Service*, Washington, D. C., Dec., 1944, *Post-War Employment in Washington State and the Puget Sound Area*, War Manpower Commission, Seattle, Washington, 1944—these and other sources were used in making the estimates.

⁵ This estimate is based on unpublished studies made by the Bureau of Agricultural Economics in 1943 and on some results obtained in surveys made in Portland (Oregon), Los Angeles, San Francisco, and San Diego, relative to the origin and post-war intentions of workers engaged in defense industries.

⁶ There were 58,500 persons experienced in agriculture who were looking for work on April 1, 1940. Most of these had been unemployed for several months. U. S. Census 1940, *Population*, Vol. III.

⁷ *Farm Labor*, published monthly by the Bureau of Agricultural Economics, U. S. Department of Agriculture, Washington, D. C., and *Weekly Farm Labor Report*, California Agricultural Extension Service, Berkeley, California.

retirements from the labor force added about forty thousand workers.⁸ A net increase in the number of family workers may have supplied another 5,000 workers (Table 1). Migration to the West Coast proba-

Table 1

Annual average employment in agriculture and percentage change, 1940 and 1944, in the United States and in the Pacific Coast States, by type of worker.

	1940		1944		Per cent change 1940-44	
	United States	Pacific Coast	United States	Pacific Coast	United States	Pacific Coast
	Thousand	Thousand	Thousand	Thousand	Per cent	Per cent
Family workers	8,016	300	7,810	305	- 2.6	+1.7
Hired workers	2,566	256	2,227	276	-13.2	+7.8
Total workers	10,585	556	10,037	581	- 5.2	+4.5

Farm Labor. Published monthly by the Bureau of Agricultural Economics, U. S. Department of Agriculture, Washington, D. C.

bly accounted for the other eighty thousand new agricultural workers.

Unlike the rest of the United States, the Pacific Coast will probably have a larger number of employed farm workers at the close of the war than it had at the beginning (Table 1). Whereas some sections of the United States may be able to find jobs for returning veterans and war workers on farms, on the West Coast employment opportunities in this field will be restricted.

About eighty thousand workers now employed in agriculture may be expected to withdraw from the farm-labor force. Mexican nationals, prisoners of war, and volunteer workers numbering approximately forty thousand in the three states will not be available for farm work after the war.⁹ Other workers now employed in agriculture are expected to leave the farm-labor force after the war. This group includes some family workers and a few hired workers who normally would have sought nonagricultural employment but who remained on the

⁸ Many of this group of 40,000 immediately left agriculture for the armed forces and industry and are included in the 80,000 that went into the army and the 120,000 who entered nonagricultural occupations. The figure was estimated from the death rates and age groupings in the agricultural labor force and from Conrad Taeuber's *Replacement Rates for Rural-Farm Males Aged 25-69 by Counties 1940*, Bureau of Agricultural Economics, Washington, D. C., December, 1944. His survival rates are for rural farm males twenty-five years and over. It was assumed the same rates would apply to males over twenty-five in the farm-labor force in 1940.

⁹ These workers amounted to 8 per cent of all persons employed in California agriculture during the peak week September 3-9, 1944, and 6 per cent during a slack week, January 7-13, 1945. *Weekly Farm Labor Reports*, California Agricultural Extension Service, Berkeley, California.

farm as a result of the war. Some farm workers have stayed in agriculture because it is an essential war industry or because family pressure was exerted upon them to supplement the labor supply during the years of a declining labor force. No precise data on the number of these workers are available, but the author believes it will equal the number of farm boys in the armed forces expected to return to agriculture, approximately forty thousand workers.

The number of persons who will reenter the farm-labor force after the war depends for the most part on how many persons will find nonagricultural jobs. It has been clearly demonstrated that as nonagricultural employment decreases the farm population increases.¹⁰ Presumably the number of hired workers and family workers in the farm-labor force also increases in years of low industrial employment. The number of persons in the post-war farm-labor force will fluctuate with urban business conditions.

It has been estimated that nearly 1,500,000 persons will be demobilized after the war in the three states of California, Washington, and Oregon.¹¹ Of these about 800,000 have been employed in war industries. Undoubtedly some will try to find agricultural employment.¹² A recent study sponsored by the Bay Area Chambers of Commerce in California secured the intentions of shipyard workers in the East Bay Area relative to their post-war residence and occupation. Generalizations from the results of this survey must be treated with caution. The number of shipyard workers expecting to find agricultural employment in California after the war turned out to be slightly higher than the number of farm workers from California who found work in the shipyards. Many persons hoping to remain in California in agricultural occupations are farm persons from other states. Some had nonagricultural jobs in 1940. A considerable proportion of the workers who had jobs in less essential work before the war plan to

¹⁰ Louis S. Ducoff, *Wages of Agricultural Labor in the United States*, Bureau of Agricultural Economics, U.S.D.A., Washington, D. C. (September, 1944), p. 191, Figure 25.

¹¹ Emile Benoit-Smullyan, "Relative Severity of Post-War Demobilization by States," *Monthly Labor Review*, Bureau of Labor Statistics, U. S. Department of Labor, Vol. XXVII, No. 1 (July 1943), p. 104. The actual number may be higher than this estimate, which was made in July, 1943. Fifteen per cent of those in the armed forces will not be demobilized immediately, according to this estimate.

¹² Estimates of the actual number are around 7 per cent, or 105,000 workers. For example, see estimates made by City Planning Commission, Portland, Oregon.

return to their pre-war occupations and will probably displace some of the farm workers who have held these jobs during the war. Surveys made in other coastal cities and for other occupational groupings tend to substantiate the Bay Area study, although the total amount of evidence is not conclusive.

Not all of the farm workers discharged from the armed forces will return to agriculture. Many will want to continue their education. Others have learned skills that will interest them in other jobs. Emigration of youth from farms to town on the Pacific Coast has been a regular phenomenon and may be expected to continue. Between 1930 and 1940 there was a net loss of approximately twelve thousand young men from the rural farm population of the Pacific Coast States.¹³ The gross out-migration was much larger, inasmuch as the total farm population in these states increased during this decade and rural to urban migration was at a low ebb. Many young men in the armed forces, as well as others now on farms or in nonagricultural occupations, would not have remained on farms even if there had been no war.

After anticipated gains and losses in the present farm-labor force are considered, there is little doubt that the post-war labor force in Western agriculture will be larger than the pre-war labor force and probably even larger than the number of persons employed in agriculture during the war. Its composition, however, will be somewhat different. Farm workers returning from the armed forces and from war industries will possess skills they did not have before they left the farm. Their wartime experiences will make them potentially much more useful and efficient farm laborers. Many post-war farm workers will have a new set of attitudes. Those who held jobs in war industries have been exposed to urban influences and urban standards artificially set by war conditions. One of the influences that may affect the relation of the farm laborer to his employer is the labor union. To what extent the farm laborer's brief sojourn in nonagricultural employment has convinced him that labor unions are desirable or to what extent this experience has embittered him toward labor unions is not known.

POST-WAR LABOR DEMAND

The demand for farm workers also depends upon nonagricultural employment. Under conditions of full employment in the United

¹³ Eleanor H. Bernert, *Volume and Composition of Net Migration from the Rural Farm Population, 1930-40, for the United States, Major Geographic Divisions and States*, Bureau of Agricultural Economics, U.S.D.A. (Jan., 1944).

States, it is expected that farm production will be maintained at about 1943 levels.¹⁴ With less than full employment, farm production and the need for farm laborers will decline.

Under wartime conditions the demand for farm laborers has gone up. This is evidenced in Table 1, which indicates there has been an increase in farm employment during the war. The quarterly demand index for farm workers on the West Coast rose from an annual average of 102 in 1941 to 122 in 1944.¹⁵ Higher wage rates also reflect the increase in the demand for workers. Monthly wage rates without board in the Pacific region jumped from an annual average of \$66.07 in 1940 to \$169 in 1944.

Even if agricultural production in California, Oregon, and Washington remains at wartime levels, the demand for farm labor may still change. Some factors will make for an increased demand. Farm operators and family workers have been working long hours and at a fast tempo during the war. It will be physically impossible for many families to maintain this pace, and a reduction in the hours they work will be expressed in an augmented demand for hired labor.

A certain amount of work has accumulated on many family-sized farms simply because the existing labor force was used on tasks requiring immediate attention. This backlog of work will tend to enlarge the demand for farm labor after the war, although its total influence will not be large.

Farmer retirements after the war may multiply. Many farm operators have remained on the job as their contribution to the war effort or to hold their farms for sons who are temporarily away from home. The exact number of agricultural openings that will be created by the retirement of farm operators is not known.¹⁶

Factors that would result in an increase in the demand for farm workers over the 1943 level are overshadowed by conditions that will tend to lessen the demand for farm workers on the Pacific Coast.

During the war, conditions of relative scarcity of farm labor existed, and farmers devised means of using labor more effectively.

¹⁴ Based on a report being prepared in the U.S.D.A. on the subject of *What Peace Can Mean to American Farmers*.

¹⁵ *Farm Labor*, published monthly by the Bureau of Agricultural Economics, U.S.D.A., Washington, D. C.

¹⁶ Walter C. McKain, Jr., and William H. Metzler, "Measurement of Turn-over and Retirement of Farm Owners and Operators," *Rural Sociology*, Vol. X, No. 1 (March, 1945).

Although limited by an undersupply of farm machinery and equipment, many farmers used new labor-saving devices. In a recent "Rural Life Trends Survey" made by the Bureau of Agricultural Economics, changes in mechanization were noted. In Clark County, Washington, 78 per cent of the tractors allotted to the County Agricultural War Board were assigned to operators who formerly did not have tractors. In Tulare County, California, 62 per cent of the tractors were assigned to farmers who formerly either used horses, hired the work done, or did not operate farms. In Bingham County, Idaho, 84 per cent of tractors went to farmers who previously did not have tractors. In Imperial County, California, which already was highly mechanized, practically all the tractors assigned were replacements.

Several new types of labor-saving equipment have been tested during the war. The development of side-delivery rakes, pickup balers, field harvesters, sugar-beet toppers and loaders, cotton-pickers, and other equipment after the war may reduce the need for field hands. A single mechanical cotton-picker operating eight hours a day will replace fifty to eighty men, doing equivalent work at one-tenth the cost.¹⁷

Some farmers have made shifts in their farm enterprises in response to a pinched labor supply. In instances where the replacement of labor-using crops by enterprises requiring less labor has proved economically sound, there may be some reluctance to shift back again after the war. This will be particularly true for the older operator who lost a year-round worker and, by adjusting his farm business, has not only handled the farm himself but increased his net earnings.

After all these factors in the demand situation are considered, it is obvious that fewer farm workers will be required in West Coast agriculture than are now employed—even under conditions of full employment.

There is some reason to believe that the types of workers needed after the war will not be the same as in the past. If mechanization of farm operations increases, more skilled workers will be required. It is fortunate that many persons who may return to the farm-labor force have acquired additional skills while in the armed forces and in industry.

¹⁷ "An Aid to the Manpower Shortage—Cotton Picking Machine Developed," *San Francisco Chronicle*, Nov. 29, 1942.

A reduction in the labor force and strong public support of agriculture as an essential war industry have encouraged several practices in the use of farm labor that may extend into the post-war period. Well-organized farm-labor employment offices have made possible the fuller use of the existing labor supply. The importance of Mexicans and the use of prisoners of war and other emergency workers have tended to regularize agricultural employment. Employers of farm labor have experienced the advantages of having a well-ordered labor market which furnished enough laborers without depending upon an over-supply. A conscious effort was made to adjust the supply of labor to the farmers' needs. Agricultural wage ceilings and an orderly bargaining procedure, although operating under difficulties, demonstrated that the inefficiencies caused by labor pirating and cutthroat competition could be eliminated for the most part.

If practices designed to decasualize farm-labor employment are to be tried during the post-war period, it is important that we do not have an over-supply of farm workers in relation to demand. Present indications are that there is grave danger of a farm-labor force in the Pacific Coast States which will greatly exceed the reasonable demand for farm workers. Carefully planned measures for preventing such an occurrence are needed now. A problem that directly concerns 500,000 Westerners and indirectly concerns the remainder should call forth plans to limit the number of persons in the farm-labor force. Without an oversupply of workers in agriculture, it is reasonable to believe that an adjustment between jobs and men can be worked out that will satisfy employer and employee alike and stamp out much of the chaos that has characterized West Coast agricultural employment for so long a period.

SOCIOLOGISTS AND THE ARMY LANGUAGE AND AREA STUDIES

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When the United States suddenly found itself plunged into two wars, in different hemispheres and thousands of miles from home, it took hasty stock of its resources for fighting these wars. In addition to being caught short on men and materials, the army found itself with no training program for certain needed specialists. One particular need was for men who knew the languages of the areas—whether of friend or foe—into which the army expected to force its way. Practically none of our soldiers knew Chinese or Japanese, and even the few who supposedly had “learned” a European language often found that they did not have an actual speaking, working knowledge of it. Furthermore, most of them were woefully ignorant of their respective areas and of the history and culture of the inhabitants.

Here was a difficult problem. The army wanted men who, following invasion, could go into the invaded or liberated areas without the “lost” feeling men usually have when dropped abruptly into an alien country—men who, instead, would “know their way around,” could deal with the people in their own language, and would know something of their background, modes of living, habits of thought, and general culture patterns.

It was understandable, therefore, that college and university authorities were somewhat dismayed when the army turned to them and asked them to produce immediately a program that would train such men in nine short months. Especially did this seem impossible for men who would serve in the east Asia area. It generally meant starting at the beginning and acquiring in a rather short time an actual working command of either Chinese or Japanese, as well as a reasonable knowledge of the geography (broadly interpreted), history, and cultures of not only Japan and China but of Siberia, southeast Asia as far west as Burma, the Philippines, and the Dutch East Indies, and gaining a little information about as many of the other islands of the western and central Pacific as possible. Merely the planning of such a curriculum, the finding of qualified language teachers, and the assignment of geography, history, and culture studies to professors who were peacefully pursuing their own familiar courses was a tremendous task

in itself, yet some of the programs were set up almost in a matter of days rather than weeks. Many a startled professor suddenly found himself teaching a subject with which he had previously been only moderately acquainted, but which he found (to his secret relief) was well within the scope of his intellectual capacity. There were some mistakes and some poor teaching, but in general all over the country the program was surprisingly successful, and the men who finished the work were surprisingly well-qualified for their specialized tasks. The combination of army push and college instruction produced results. To be sure, there were no frills or trimmings; learning was reduced to the essentials for the task in hand. But it was proved that under sufficient pressure the leisurely methods of education could be greatly speeded up, though with certain inevitable losses. The extent to which such speed could profitably be used in peace time is still to be determined and is not our immediate concern in this paper. The method, rather than the speed, is what interests us from the sociological point of view.

Not only sociologists but all educators can learn something from these specialized courses. Perhaps their most important contribution lies in showing us the imperative need of more study of other places and peoples. As Americans we have been notoriously provincial; we have been so sure of our superiority in culture and power that we have not considered it necessary to know more about the language or culture of other peoples than the smattering necessary to carry on a lucrative foreign trade. In the matter of language we have been almost arrogant, assuming that those who could not speak English were lacking in culture, if not in actual ability. This attitude has been furthered by the fact that in European and Latin-American countries most of the nationals who have to deal directly with Americans learn enough English to transact their business. Even in the Orient a large number of those who have direct contact with Americans have a reasonable command of English, and, where they do not, the wide use of pidgin English testifies to the white man's unwillingness to struggle with "heathen" languages.

The Second World War bids fair to do what the first one failed to do—convince us that in this "one world" it is impossible for us to live unto ourselves. Our very survival as a nation, to say nothing of the semi-altruistic role we might play, requires a genuine understanding of peoples in widely separated parts of the globe. We need more

study of other cultures in order to cure our provincialism which irks some and amuses others, to find a basis of good will and lasting peace, and to develop a mutually advantageous international trade. True, this conviction is not held by all. Even in our armed forces overseas, according to correspondents who live with them and learn their views, there are many who still blindly seek a return to the good old pre-war days. They are reported as having very little interest in international problems, merely wanting to get the struggle over, so that they can return to their families and girl friends, hamburgers and movies, just as the soldiers wanted to do in 1918. They know little and care less about the forms and causes of political "isms" in other countries. They want to forget the whole mess and get home. Perhaps the correspondents have overemphasized these views of our fighting men, but all competent observers testify that the presence of such mental myopia, whether in the armed forces or on the civilian home front, is all too common. It is probable, however, that at least educators have become convinced of the necessity of greatly expanding our study of other peoples and their ideas.

Next, what did the army language and area studies show us as to *methods* of learning about other cultures? Perhaps the outstanding lesson was the value of studying a people and its country as a whole. This is not an entirely new idea, for the unified approach was tried out by Meikeljohn at the University of Wisconsin years ago, though in the army studies the method was narrower in scope and more specific in purpose. In our college we sought from the first a unified approach. Let us take the east Asia area as an example. While the men were applying themselves intensively to either the Chinese or the Japanese language, they were also studying the geography, history, and culture of one country at a time. Their whole thinking was centered upon the way of life of the people currently being studied. Then another people would receive the same exclusive attention.

Here, then, is a method that may have much value for certain courses of study in peace time, if properly adapted. The method is not new to anthropologists, for they have long studied primitive peoples in their total environment, physical and social, not omitting language. But our needs in the future will be specialized and will call for specialized methods. If carefully worked out, the unified approach might be applicable to the preparation for a wide variety of tasks in foreign lands, from diplomatic and consular service to employment in a foreign

branch of an American banking or industrial firm. Except for government foreign service, for which a limited training program is already available, the present method of preparing for work abroad usually includes learning (sometime during one's college course) a certain amount of the language involved, taking certain history courses that deal more or less with the area or country in question, and in addition selecting such courses as are available in economics, government, and sociology that deal partially with such matters as international trade, fascism and communism, and race relations. Such courses may be correct for most students, but the specialized student may have to pick up unrelated bits of knowledge about his future field of work wherever he happens to find them, scattered through his four-year course. Under a unified approach all of the items he needed would be brought together into a comprehensive course, packed into a limited time. After experimentation, it might be decided that this intensive period of language and area study should occupy the last year or year and a half of the college course. If the exclusion of all other topics for this period would be found desirable, the choice would naturally incline toward the shorter time; if the use of a small amount of time for other topics would be found preferable, in order to avoid staleness or narrowness, the choice would incline toward a longer period, perhaps up to two years. But whatever the period chosen, it should be adequate for the student to learn to read and speak the language of the country of his chosen work, and to acquire a fair knowledge of its past and present culture patterns, whether of peculiar foods, common superstitions, or political ideas, so that he would feel relatively at ease among the people, and could converse with them acceptably.

Let us turn now to the more specific stimuli which sociologists may derive from the army language and area studies. Perhaps the greatest is an exciting invitation to a wider *research* in other cultures. Being on the Pacific coast, let us think particularly of east Asia. Here the exigencies of war have rubbed us hard against other cultures of which we knew little. We see open before us a vast and fascinating area of research in which heretofore only a few social scientists have been rattling around. True, we have made limited use of the existing culture studies for certain of our specialized courses, but we have not tapped more than a fraction of the rich resources of sociological processes of every kind which are available for analysis. The very conglomeration of cultures in this area intrigues the interest and challenges

the imagination; so does the range, which extends from the brilliant civilizations of the past to the stone-age cultures of the present, as in central New Guinea. Here is the huge country of China, with the longest unbroken history of any nation extant, and with an endless intermingling of diverse cultures back through so many centuries that history finally blends indistinguishably into legend. Nearby lies Japan, with a similar yet different blending of the old and new in both material and ideological matters. Touching both countries is the giant Siberian arm of Russia, flung clear across the continent to grasp at prizes coveted by her oriental neighbors. To the south are still other ancient cultures, each with its distinctive yet connecting background, reaching to the tip of the Malay Peninsula and westward through Burma. Out across the waters southeastward, many of them once connected with the mainland by land bridges, lie whole fleets of islands, great and small, with an amazing variety of peoples and cultures. Some have been in contact with a few whites for a good many years, and their original cultures have been studied by persons of varying qualifications, too often by travelers or trader-residents with no sociological or anthropological training. The result is that we know very little about most of these peoples and almost nothing about the remainder. Now, with the whole Eastern Hemisphere in the throes of turbulent change, almost every culture will offer abundant opportunity for studying the shifting roles of conflict and coöperation, racial clashes and assimilation, and the whole gamut of social processes.

As sociologists here on the Pacific Coast we might, therefore, stake out a variety of research projects in various regions of east Asia and Oceania, defining them for the present somewhat tentatively by raising questions about their possible scope—questions aimed at stimulating the research-minded to more precise definitions of scope and method. A few such tentative topics follow.

1. *Social Organization and Disorganization in the Rapid-Settlement Districts of Siberia.* In recent years the Soviet has sought to settle certain areas quickly and make them relatively self-sufficient in raw materials, manufactures, and military security. How successful have these efforts been? To what extent have the groupings been natural? or artificial? What have been the most cohesive forces? the most disruptive? How much government paternalism has there been? or coercion? To what extent and in what ways have the social patterns brought from the home communities been faithfully reproduced? or

modified? What are the similarities or dissimilarities to our own settlement of the Far West?

2. *Racial Inter-marriage and Amalgamation in Siberia.* Siberia has at least thirty distinct non-white racial and cultural groups, mostly yellow-brown and more or less Mongoloid of feature. Why is there so little prejudice by whites? Was there none from the first? Or did it once exist but was largely overcome? If so, mostly by unplanned forces or by conscious effort? If the latter, by what program? What is causing the increase in the already considerable amount of marriage between whites and non-whites? Is the status of the mixed offspring higher, the same, or lower than that of either parent?

3. *Social Changes in a Chinese City in One Decade.* Chungking, a small, sleepy walled city with a medieval culture was suddenly mushroomed into the large and active capital of a country of four hundred million people, constituting a stage upon which actors from all over the world play their power politics in the greatest war in history. Here, where it is said no wheeled vehicle was to be found twenty years ago, there suddenly came not only automobiles but air transports and Super-fortresses. The twilight of isolation dissolved under the glare of the world's spotlight; the small, homogeneous population was overrun by a heterogeneous influx from "foreign" sections of China and from abroad. What has happened to the culture patterns of the original inhabitants? How much have new ways of life been resented and how much welcomed? Which customs have survived and which appear to be doomed? How much of the change seems to be outward and superficial, and how much may be inward and lasting? How much cohesion will be left when the Chinese National Government abandons Chungking as a capital after the war? What social and economic adjustments will be imperative?

4. *The Effects of Extreme Currency Inflation on the Chinese Way of Life.* What has been the extent of inflation? Its chief causes? What aggravating factors, once it was started? Effects on foreign trade? Comparative effects on salaried men, manufacturers and tradesmen, wage earners, farmers? How much differential between the actual and apparent scarcity of goods? Extent of black markets and hoarding? How much resort to barter? Reasons for the failure of government attempts at control? Some psychological results? Effects on ethical standards and predictability of conduct? How much social disorder

through the loss of dependable patterns of social behavior?

5. *An Analysis of the Japanese Tradition of Suicide.* Comparative suicide rates in Japan and the United States. Comparative attitudes: disgrace *vs.* honor. In what situations is suicide an accepted, honorable form of behavior? May it be threatened but not carried out, without loss of face? What is the effect of war on the suicide rate, and on the general psychology of suicide? Does war bring more causes or merely more opportunity for established causes to operate? What will be the extent of suicide in the event of complete national military defeat? What will be the effect of the post-war return of thousands of Japanese war prisoners who chose capture in preference to suicide? What are the chances for a decline in the tradition of honorable suicide?

6. *Japan's Survival Level if Restricted to the Home Islands* At the Cairo meeting the "Big Three" pledged that Japan would be pushed back into her original home islands. How much arable land is there available? How adequate is it for the present population and rate of growth? How far can the yield, under still more intensive cultivation, be increased? (Compare with Java, for example.) Can the percentage of seafood in the diet be increased? Relation of this to fishing treaties? What percentage of Japan's national income is received from Manchukuo, Chosen, and Taiwan? If these are cut off, how will the inevitable lowering of the standard of living affect the birthrate? Will there be a change in the official attitude toward birth control? Or an unsanctioned return to the abortion and infanticide practiced prior to the country's development through Western contacts? Will the lowered standard of living bring internal revolution?

7. *The Fate of Small-Island Cultures in the Pacific War Zone.* In certain small islands there has been a "cocoanut palm culture," the natives deriving food, shelter, and much of their livelihood (copra and oil) from the cocoanut. Some of these islands have been so blasted by American invasion that scarcely any palms remain. The few natives left make a living by selling souvenirs to the soldiers, doing their laundry and other tasks, and letting their children work in officers' mess halls, etc. What is the cultural future of these people? Can their simple life ways stand such a sudden and all-inclusive impact of a powerful and highly complicated culture? How much of their old culture appears already to have been swept away? How much is merely modified?

How much (particularly in immaterial phases) will stubbornly survive for an extended period? If the military withdraws from such an island after the war (for bases in more favored islands), what will become of the natives? If fairly isolated, will they re-establish their cocoanut culture? Or migrate? Or develop an intermediate culture, but dynamic rather than static? Some of the answers may depend upon American military and imperial policy.

8. *Social Change in the Netherlands East Indies under Japanese Rule.* The official Dutch colonial policy sought to keep the native customs and institutions as nearly intact as possible, with a minimum of interference. The natives have been given very little educational opportunity and still less opportunity to vote. What have been the reactions of the Javanese and others to these policies? How stable have their culture patterns been? To what extent did the Japanese reverse Dutch policy and interfere with native customs? Were they harsh or conciliatory? What processes of coöperation or conflict resulted? How much satisfaction or disillusion under Japanese rule? Do the natives see a chance to drive out the white man forever? Or has the intermarriage of the Dutch with the Javanese softened the resentment against white rule? (Compare the Dutch stand on intermarriage with the British stand.) Has the Atlantic Charter aroused any hopes in the native leaders regarding the future status of the Indies? If any, to what extent are they shared by the masses?

The questions raised under the following topics are omitted because of lack of space in this publication:

9. *Similar Study on Burma.*
10. *Similar Study on French Indo-China.*
11. *Effects of the War on Western Missionary Effort.*
12. *Social Effects of the Growth of Cooperatives in China.*
13. *Effects of the War on Non-Christian Religions in Japan* (particularly the inability of the Emperor, supposedly divine, to avert national disaster).
14. *The Cultural Adaptation of the Japanese to a War Economy.*
15. *The Effects of the War on Sumptuary Laws in Japan.*

PROBLEMS OF THE VETERAN RETURNING TO A SUSISTENCE-FARM AREA

Charles E. Hutchinson

University of New Mexico¹

Veterans are already returning in considerable numbers and are serving as a pilot group to test the arrangements that have been made and are being made to fit the discharged soldier into the channels of civilian life². The major problems that will follow any general demobilization can be seen in miniature as the first of the new veterans return to their homes. But it would be a mistake to assume that the problems now in evidence are the same problems that will face us later, as the number of returning veterans mounts. In the first place, veterans now released are returning to a situation offering an abnormally high demand for labor in war factories and in civilian service occupations; and, in the second place, there now exists an insatiable demand for agricultural products. Though the post-war era may see a continuing high level of employment, retrenchment in agricultural production seems inevitable—if past experience can serve as a guide. The present article is (1) an evaluation of current trends in planning and of the problems of men already discharged and (2) a forecast of future probabilities for returning veterans as seen in the light of existing conditions and past experience.

Subsistence farmers, as the term is used here, are operators of farms that fail to meet the full needs of the families, so that a part of the support must be derived from other sources. In the Rio Grande Valley of New Mexico, a majority of them are Spanish-speaking people, and another considerable contingent coming under that classification are the Pueblo Indians. Anglo-American³ farmers of

¹On leave to serve as sociologist in the Labor Relations Division of the Office of Inter-American Affairs, Washington, D.C.

²A significant example of a legislative program now in the process of being organized into a working program is the "GI Bill of Rights," as it is usually called. This bill is now in partial operation, but activities under the act are being continuously expanded. United States, *Public Laws*, No. 346 (78th Congress, Second Session, Ch. 268), June 22, 1944.

³The term Anglo-American has been widely adopted in the Spanish Southwest to designate a person of European culture who does not trace his ancestry or culture to Spanish sources. The term applies, therefore, to Americans, Irish, Syrians, Greeks, and others, in addition to those who have a definitely English background. The Anglo-American is one who understands English and has a Yankee facility in doing business.

New Mexico engage in commercial farming and stock-raising to such an extent that they can be dismissed with slight consideration in an investigation of subsistence-farm problems.

The Spanish and Indian populations of New Mexico have been liberal in supplying manpower to the military services. There is no breakdown of draft figures by cultural and linguistic groups, but available indices of the number of Spanish and Indian veterans who will return to this area make an estimate of 27,000 appear reasonable. The United Pueblos Agency reports that approximately ten per cent of the Indian population under its jurisdiction is in military service.⁴ The number of men drafted from the rural villages, which are devoted to agriculture but actually serve as a home base for migrant workers, is also an indication of the low productivity of the farms in these areas.⁵ Despite the fact that farms are small, the people remaining on them have been hard pressed to keep their land under cultivation, and there has been a shrinkage in the acreage tilled. The farm work is now being done principally by old men and boys. But there is more money in the rural villages at present than at any time in the past, even though these small farms produce little in the way of cash crops. The new-found affluence of the rural villagers is due to the receipt of dependency allotments and remittances from members of the family who have gone out to work in war industries and in agriculture in other states.

Prominent among the difficulties to be faced by the veteran returning to farm life in New Mexico are the recurrent problems that face all subsistence farmers. Geographic isolation increases the difficulties of marketing produce and of securing suitable supplemental employment within a reasonable distance of the farm residence. Isolation also means poorer schools and health facilities. Road conditions and the weather leave some communities cut off from outside contacts at times during the winter, with resultant hardships. Extensive travel necessary to reach urban centers increases the costs of carrying on farm activities and tends to cut the isolated villagers off from the beneficent services of governmental agencies which cater to the problems of farm people.

⁴United Pueblos Agency, *Reservation Program*, Part II - Overall Plan, Albuquerque, March, 1944.

⁵Deferments have in the past been granted to farm workers with regard to their replaceability and to the food production on the farm establishment.

Most subsistence farms of the Southwest depend on irrigation to produce crops. Drought conditions make farming problematical. Soil erosion and loss of fertility after generations of farm operations without the practices of scientific farming have left the farms depleted. In some areas gulying and consequent lowering of the water table have made it impossible to carry on agriculture and have caused whole villages to move.

Other problems are of the type which may affect farming in any situation. These include the failure to develop dependable cash crops and to meet the competition of commercial farmers raising crops under more favorable circumstances. There is always in a post-war era the strong probability of a drastic reduction in the demand for farm products. A decline in the demand for farm products can affect subsistence farmers both by making it hard to dispose of their cash crops and by making it difficult to get wage work as migratory agricultural workers.

The returning veteran will have to cope with some difficulties that do not beset youths who take up subsistence farming without the hiatus of a period of military service. The educational value of military service to young men reared in the restricted environment of a farm community cannot be doubted; but the wealth of experiences gathered in service in all parts of the world will make the transition to civilian life difficult and disorganizing. One of the most serious aspects of the transition will be the change from the army standard of living to a bare subsistence. In military service the food, clothing, living conditions, health care, and recreation are all incomparably more costly, more abundant, and usually better than can be afforded at home. Army pay for even the lowest ranks leaves military personnel with more spending money than the youth from New Mexico have ever been accustomed to have. Observers in a position to judge are certain that veterans will not willingly return to the poverty of a situation characterized by annual incomes ranging from \$200 to \$800 per year for families averaging more than four and one-half members.⁶

⁶United States Department of Agriculture, Soil Conservation Service, *Village Livelihood in the Upper Rio Grande Area*, Regional Bulletin No. 44, Conservation Economics Series No. 17 (Albuquerque, July, 1937). C. P. Loomis and O. E. Leonard, *Standards of Living in an Indian-Mexican Village and on a Reclamation Project*, U.S.D.A., Farm Security Administration and Bureau of Agricultural Economics, Social Research Report XIV (Washington, 1938). United Pueblos

Kinship ties, cultural bonds, attachments to the home valley, together with the barriers of discrimination in employment, lack of social acceptance, and linguistic handicaps, are real obstacles to the migration of population and emphasize the necessity of meeting the problems of the returning veterans in the villages and on the farms of New Mexico. Better education and freer access to employment will facilitate the outflow of workers, but migration will draw away only the more ambitious and better educated.

Land scarcity, systems of land subdivision, and inheritance practices make it difficult for the veteran to acquire a family-size farm. The Taylor Grazing Act⁷ of 1934 withdrew public lands from entry or sale. Of New Mexico's 122,000 square miles of area, 42 per cent is privately owned, and 58 per cent is government land. The 13,000,000 acres of state lands, though subject to sale, will not be readily available to veterans,⁸ and would not be particularly valuable to them except in huge tracts.

Disabled veterans will have special adjustment problems related to the nature of their injuries; but they will be the recipients of the rehabilitation services of the Veterans Administration.⁹ Disabled veterans returning to the villages and pueblos of New Mexico will find relatives and friends willing to aid them; and with pension money to support them, they will be able to assume a useful place in the community. The practice of handicrafts, for which the rural villages are noted, could provide an occupation to utilize the time and effort of the disabled and provide an income.

New Mexico, like every other state, has received some veterans whose disabilities have been classed as psycho-neurotic. Some New

Agency, *Reservation Program*, Part 1, Basic Data: Resources and Services (Albuquerque, March, 1944); the survey reported was conducted in 1942.

⁷By this act the Secretary of the Interior was authorized to establish grazing districts not to exceed in the aggregate eighty million acres of vacant, unappropriated, and unreserved lands from the public domain which were not in national parks, national forests, or Indian reservations, and which were chiefly useful for grazing and raising of forage crops. The establishment of a grazing district closes the area to all forms of entry settlement. United States, *Statutes*, Public No. 482 (HR 6462), June 28, 1934.

⁸State lands are sold on bids with a preference allowed to the owners of adjoining tracts.

⁹In addition to the benefits provided for all veterans under the "GI Bill of Rights", Public 346, the disabled veteran will receive up to four years of training and support at the rate of \$92 per month if single, \$103.50 if married, and \$5.75 per month for each child. United States, *Statutes*, Public No. 16 (78th Congress, First Session, Ch. 22.), March 24, 1943.

Mexico youth have been maladjusted to army life for a number of reasons, not the least among which has been the treatment they received from those in authority. The Army has not always taken the trouble necessary to convert a homesick youth with a language handicap into the kind of soldier he was capable of being.¹⁰ Those receiving medical discharges as psycho-neurotics have been granted a pension on the basis of a one-third disability. It is presumed that some of those who have returned to the villages with a pension for a psycho-neurotic disability will lose their pensions on subsequent examination if it is disclosed that they are as well adjusted to civilian life as they were before entering military service.

Farm-purchase loans authorized under the "GI Bill of Rights" will doubtless help to establish some returning veterans on subsistence and part-time farms; but inflated land prices, the limited supply of good farm land, and the anticipated post-war decline in the market for agricultural products all serve to restrict the benefits that may be expected from this program in New Mexico.

Solutions to the problems of veterans returning to the subsistence-farm areas are not in evidence, despite the fact that there are perhaps a score of agencies—Federal, state and voluntary—devoting at least a part of their efforts to aiding veterans. Preeminent among these is the Veterans Administration with an extensive program of benefits authorized by Congress under the provisions of *Public* 16 and *Public* 346. Other agencies include the Red Cross, United States Employment Service, Agricultural Extension Service, Farm Security Administration, Farm Credit Administration, United States Indian Service, American Legion, state and local advisory groups, and others with specific programs to facilitate the readjustment of veterans. Up to the present the response of veterans to programs intended for their benefit has been discouragingly small.

All programs directed toward the maintenance of full employment at good wages, if effective, will improve the situation for subsistence farmers. Public works programs on a state and national basis can help to absorb the surplus workers.

¹⁰It was reported to the writer that medical discharges with the designation of psycho-neurosis were granted for a variety of conditions that ranged from overeating, "bellyache," backache, confusion, lack of education, homesickness, language handicap, unnecessary hospitalization, and malingering. Since it takes the services of five men to keep one man in hospital, the Army's desire to get rid of those chronically sick is understandable.

Small manufacturing enterprises such as hand-weaving, tin work, furniture construction, pottery-making, wood-carving, leather work, and silver-smithing have been recommended by the Committee on Economic Development as the basis for higher standard of living in New Mexico. All of these approaches, however, have been tried in the past with indifferent success and will require a new approach, perhaps through coöperative promotion and marketing, before optimum benefits will be achieved.

Without depreciating the results obtained by any or all of these programs, which follow accepted methods of social improvement, it can be doubted that they can meet the existing situation. The fact that present programs are conventional in policy and plan leads to the expectation that they will turn out to be well-intentioned half-measures comparable to past endeavors. Conditions warrant a regional approach, along the lines of a Rio Grande Valley Authority, adequately financed and vested with sufficient authority to meet the needs of this natural area. Such a unified program, coordinated with the activities of existing agencies, seems best suited not only to solve the problems of the civilian population but also to guarantee to veterans the opportunity they have earned through years of national service.

HOW CAN SOCIOLOGY CONTRIBUTE TO THE SOCIALIZATION OF ATTITUDES AND OF PERSONALITY IN THE POST-WAR WORLD?

BESSIE AVERNE McCLENAHAN
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The title of this paper implies three assumptions: (1) that socialization of attitudes and of personality is a desirable, if not a necessary, aspect of social living; (2) that there may be social problems peculiar to the post-war world indicative of a special need for socialization; and (3) that sociology can make a contribution to that process.

I. THE PROCESS OF SPECIALIZATION

Socialization is the dynamic totality of human inter-association which continues by virtue of the constitution of men and the nature of life itself, as men succeed in establishing some sort of social order and in fitting themselves individually into it. This phase may be considered *adaptive* socialization,¹ inasmuch as every child by virtue of being born into a group is shaped into a measure of conformity by the cultural pressures of his day and place.²

The basic consideration in this paper is how human association may be directed beyond the adaptive level so that the prototype of human personality may be characterized by a *conscious* sense of social responsibility for individual behavior and for group welfare. Such a definition of social goals emphasizes the other aspect of socialization, namely, its *telic* character.³ Socialization

¹"We see around us in the world of men an onward movement of life. . . . The whole thing appears to be a kind of growth, and we might add that it is *adaptive* growth, meaning by this that the forms of life we see—men, associations of men, traditions, institutions, conventions, theories, ideals—are not separate or independent, but that the growth of each takes place in contact and interaction with that of others." C. H. Cooley, *Social Process* (New York: Charles Scribner's Sons, 1925), p. 3.

²"The human being . . . is a socialized being, i.e., he has been made to conform to the social heritage of which his parents are a part. . . . Socialization is not voluntary; it must be imposed upon the individual by his parents and by the representatives of various social institutions like the school, the state, and the church." L. W. Doob, *The Plans of Men* (New Haven: Yale University Press, 1940), pp. 36-37.

³"Socialization is the climax of intersocial stimulation Socialization . . . is the process whereby persons learn to behave dependably together but not necessarily alike in behalf of human welfare, and in so doing experience an increasing degree of social self control, social responsibility, and balanced personality." E. S. Bogardus, *Fundamentals of Social Psychology*, Second Edition (New York: D. Appleton-Century Co., 1931), p. 285.

becomes deliberately telic (purposeful) as men reach beyond themselves to achieve greater personal and group satisfactions as tested by the social values of expanding individual skills and their utilization in insuring greater freedom for all in a peaceful world.

II. POST-WAR PROBLEMS OF PERSONAL AND GROUP ADJUSTMENT

When the young adult enters into the experience of war and becomes a man in uniform, he encounters a very different social and cultural setting (as well as geographical) from that of his family, his school, or his work in the civilian atmosphere. His world is predominantly a world of men, of authority which he dare not overtly question, of identification with a military organization most of whose activities are dramatically different from those he has heretofore known; danger and uncertainty of life are ever-present; insecurity dogs even his sleeping hours; high adventure and heroism in dangerous enterprises are tests of his courage.

At the outset he may suffer the shock of disillusionment as his high ideals of service and democracy are sharply discredited by the compulsion of arbitrary orders and the vertical distances enforced by military rank. Many times he is beset by homesickness and loneliness in the new, strange world of group living and the forced intimacy with men who may ridicule his standards. And if he is brought into the front lines, he faces death and sees it strike men who have become his "buddies" through mutual sharing of a common experience. At the same time, he is deeply impressed by the courage and devotion and sacrifice of his fellow fighters and of the personnel of service units. His experiences are burned deep into his consciousness and are never totally submerged.

When the war is over, he will return to a world strangely quiet and foreign in its activities and interests. How face and accept the new responsibilities of finance, of decisions, of initiative, so different from his immediate past of a regimented experience in which the responsibility rested with the officer over him or was implicit in the military rules and regulations? How can the established patterns of military rank and prestige achieved through acceptance of authority, obedience to that authority, and prowess in military exploits be reconciled with the pattern of civilian status achieved largely through individual effort in business or profession or political office?

Various emotions may complicate the adjusting process. There may be a loneliness when the uniform is doffed and a concrete evidence of belonging is gone. Civilian clothing emphasizes differences. There may be an undue stress on the contrasts between military service and civilian activities of family and friends, possibly a fear of being misjudged as well as misunderstood and uncertainty of how best to bridge the gulf of personality changes in both himself and his former intimates and associates. There may have been, because of the physical separation and the passage of time, an idealization of loved ones and of the home community, to which the realities cannot possibly measure up; and this fact may tend to cause a kind of emotional withdrawal. Unfortunately, the people in his restored civilian environment may not understand, or even make the effort to understand, because of a feeling of aloofness resulting from their failure to receive the expected response from the ex-service man. Consequently, mutual rapprochement may be hindered or even prevented with mutual bewilderment or heartbreak.

The man or woman who has been in service and returns to a peace-time world may find it hard to adjust to a different tempo of living, to relative immobility when constant shifting from place to place has been a part of the wartime experience, and to routine or monotonous activities in contrast to adventure and the thrill of danger. Besides, there may be the personal problems of individual adjustment to ill health or physical handicap and to the over-sympathetic or indifferent civilian attitudes. When the post-war job, business, or profession is undertaken, there may be a lack of confidence in the required peacetime skills which may have grown rusty from disuse or which may have become outmoded in the light of new theories and techniques.

Then there are all of the questions associated with family as roles are defined and redefined, such as those of husband-father, wife-mother, son, daughter. Women take over new tasks. Families move to new places with which they have only a tenuous connection. Family members are scattered. The pattern of "home" and of family life may be radically changed as new agencies, especially child-care centers, invade the traditional sphere of the maternal functions.

During war, sex and sex experience assume undue importance, in part, possibly, because of the close connection, emotionally de-

fined, between sex experience and a pleasure-motivated life, and even between sex experience and the blind drive for self-expression and self-continuity. The purely physical aspects of sex are thrown into focus by masculine discussions and boasting, by the dislocations in normal associations between men and women, and by the commercialization of prostitution and the stress on medical prophylaxis which often tend to obscure both the social and the moral values of sex control.

Beyond the individual aspects is the change in sex mores. There is an emotionalization of men-women relationships and frequently in wartime a disregard of the sex mores demanded in peacetime. Socialization of the attitudes of men and women towards each other seems necessary to reenforce the social values of sex control and of individual responsibility for respecting human personality.

In the post-war period, the problems of adjustments between majority and minority groups—racial, cultural, political, and economic—will be more pressing. They have been intensified by the uncertainties of the transitional period and complicated by the fears and hatreds aggravated by war. Their solution will test the professed ideals of American justice and the republican institutions which have been pledged to promoting the interests of all citizens and protecting the oppressed.

All of the problems outlined above clearly indicate the need for socialized attitudes and personality as essentials of their solution.

III. WHAT CAN SOCIOLOGY CONTRIBUTE TO THE PROCESS OF SOCIALIZATION IN THE POST-WAR PERIOD?⁴

Sociology has been succinctly defined as the science of social relationships. As a science, it demonstrates certain principles which underlie human association and which may serve as guides in the development of an individual (that is, a personal) scale of socially acceptable values to serve as goals of achievement, or of a scale of group values as stimuli of group planning and constructive programs. Sociology explains that social contacts, even as expressions of the process of adaptive socialization, are reciprocal in their in-

⁴Because of limited space, this section is suggestive rather than fully developed. For another discussion of the problem, the reader is referred to the author's article, "Sociology as a Stabilizer of Personality in Wartime," published in *Sociology and Social Research*, XXVII (1942), 3-11.

fluence, because every person affects every other person within the scope of the contact. No one can escape this mutual social experience. It results in the defining of social values, and in the subordination-dominance relationship, a fundamental characteristic of leadership. Socialization becomes telic when interaction on the adaptive level and emerging leadership are consciously directed toward the acceptance by the individual of his responsibility for promoting the social good.

To the question "Why is an understanding of social relationships so vital as a foundation for an intelligent (scientific) program of telic socialization?" sociology proffers the following answer. Through his associates, the person achieves or fails to achieve personal recognition that conforms in some measure to that status which he thinks (feels) he should have. The satisfaction of loving someone else and of being loved, of feeling needed, and of giving valued service comes through association with people. As a result, the person feels a warm glow of self-feeling (self-esteem), of expanding personality. The ego-satisfaction is complete only when it is complemented by a social expansion of the self. The individual becomes more than himself when he is linked in appreciation, in understanding, in shared activity with others like himself. This exemplifies the process of telic socialization which is carried on by rational human beings to define for themselves supreme social values and to work towards their realization.

It is through its explanation of the significance of both personality and the social group and of the process of socialization that sociology may make a valid contribution to the thinking of human beings in these troubled days. Through the ages, man has struggled to find the meaning of life and so to control life's processes as to achieve his defined goals. Telic socialization is not only influenced by the inevitableness of social give-and-take (the adaptive process), but also is increasingly directed by the guiding articulateness of the leaders and the constant challenge of the man at the bottom for a greater measure of opportunity and self-expression in the *joint* defining of both current and ultimate values.

EDITOR'S STATEMENT

Because of wartime transportation restrictions, the Annual Meeting of the Pacific Sociological Society was not held in 1944. The six papers appearing in the *Proceedings* were selected from those submitted in response to letters sent out requesting members to report on research and other creative work suitable for publication.

CARL E DENT

OFFICERS FOR 1944

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William C. Smith.....Linfield College

Vice-President: Southern Division

Ray E. Baber.....Pomona College

Vice-President: Central Division

Richard T. LaPiere.....Stanford University

Vice-President: Northern Division

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Glen E. Carlson.....University of Redlands

A MESSAGE FROM THE PRESIDENT

It is a privilege to have this opportunity of extending my greetings to the members of the Pacific Sociological Society. Without indulging in smugness, I think we can rightly take a certain satisfaction in the performance of our Society under the difficult restrictions of war. In spite of the fact that we have not held our regular annual meeting for three years, our membership has held up surprisingly well, and each year, at the request of the Program Committee, papers have been contributed and a creditable *Proceedings* has been published. This is no mean achievement, as can be seen by comparison with the record of similar societies, and we have reason to be proud of the loyalty of our members and the vitality of our Society.

An important step has just been taken by the Society. Recently, at the request of the Advisory Council, the members were asked to express their wishes regarding a proposed change in the time for holding the annual meetings. You have already received the Secretary's clear-cut tabulation of the poll, and you have doubtless noted how decisive the answer was. Nine-tenths of those answering (and it seems probable that those with strong convictions either way would be most likely to answer) wanted a change from the Christmas meeting time. This is very gratifying, for a close vote either way would have put us in the unhappy position of having a large dissatisfied minority; but the overwhelming vote for a change indicates good will and a hearty support for the new time schedule.

We now have ample time to plan for a meeting in the spring of 1946, war conditions permitting. It is reasonable to expect that there will be a good deal of enthusiasm for the renewal of the fellowship of which we have so long been deprived, and the result should be a particularly satisfying meeting. I am happy to pledge my own efforts toward that end, asking only the same generous cooperation that all of you have extended to the Society's officers in the difficult years just past. There was never a time when sociology had a richer field for study than it now has—nor a time when a fearless, searching evaluation of methods was more needed. Each of us, in his own way, can share in the steady strengthening of sociological teaching and research on the Pacific Coast.

RAY E. BABER,
President, Pacific Sociological Society.

OFFICERS ELECTED FOR 1945

The following officers of the Pacific Sociological Society were elected for 1945 in an election conducted by mailed ballots:

President: Ray E. Baber, Pomona College

Vice-Presidents:

Northern Division: Lawrence Bee, University of Oregon

Central Division: Hubert Phillips, Fresno State College

Southern Division: F. A. Conrad, University of Arizona

Secretary-Treasurer: Calvin F. Schmid, University of Washington

Members of the Advisory Council:

Jesse F. Steiner, University of Washington

Robert Dann, Oregon State College

Representative of Executive Committee, American Sociological Society: Calvin F. Schmid, University of Washington

TREASURER'S REPORT

Receipts, 1944

Cash on hand January 1, 1944	\$117.26
52 individual memberships at \$1.50	\$78.00
1 advanced payment of dues at \$1.50 (3 yrs.)	4.50
7 institutional memberships	40.00
10 subscriptions to <i>Sociology and</i> <i>Social Research</i>	20.00
4 copies of <i>Proceedings</i>	3.85
Receipts during year	\$146.35
Total receipts as of January 1, 1945	\$263.61

Disbursements, 1944

Printing, mimeographing, stamps, and supplies	\$42.76
10 subscriptions to <i>Sociology and</i> <i>Social Research</i>	20.00
Publication of <i>Proceedings</i>	93.08
Service charges, University National Bank	4.06
Total disbursements for 1944	\$159.90
Balance on hand, January 1, 1945	\$103.71

MEMBERS OF THE SOCIETY, APRIL, 1945

- Mr. Harold W. Allison, Eugene High School, Eugene, Ore
Dr. Ray E. Baber, Pomona College, Claremont, Calif.
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Prof. Virginia J. Esterly, Scripps College, Claremont, Calif.
Miss Frieda Fligelman, 2509 Parker Street, Berkeley, Calif.
Prof. Ruth Gillard, Mills College, Oakland 13, Calif.
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Prof. Tolbert H. Kennedy, State College of Washington, Pullman, Wash.
Mr. Joe J. King, Farm Security Administration, Terminal Sales Building, Portland, Ore.
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RESEARCH STUDIES
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BLUEPRINT OF THE NAZI UNDERGROUND— PAST AND FUTURE SUBVERSIVE ACTIVITIES

Robert M. W. Kempner

INTRODUCTION

The case of the Weimar Republic is the classical example of the overthrow of a democratic government by the misuse of its constitutionally guaranteed civil liberties and institutions. This study shows the *modus operandi* of the National Socialist German Workers Party (NSDAP) and its military organization by the abuse of the freedoms of person, speech, press, assembly, and political parties as revolutionary tools.

This political phenomenon was studied by the writer in Germany while he was serving under the Weimar Republic as disciplinary judge and as superior government counselor and legal adviser of the Police Division of the Prussian Ministry of the Interior. He followed up these tactics during the period of the Hitler regime from 1933 to 1945, when he had an opportunity to observe the application of similar techniques in France and the United States.

The result of his observations and research are contained in this study, composed of hitherto-unknown confidential documents which have been translated, annotated, and edited. The originals were brought out of Germany by the writer under personal risk,¹ reaching the United States in 1940. Probably no other copies are available.

The writer hopes that this study will be of interest to historians, political scientists, and administrators of occupied Germany and also be of value in the prosecution of war criminals. Through the proper translation of the documents, the writer tried to establish a standard terminology of German expressions. A list of important dates in the development of the National Socialist Party and translations of the pertinent sections of German criminal law is added.

¹ The writer is deeply indebted to Mr. Carl Chandler Adair for his translation of these documents and to Miss Ethel Frey for her assistance in editing the material. The study could not have been completed without their untiring assistance. He is indebted also to those persons who were helpful to him in bringing the documents from Germany to Switzerland.

The danger of the Hitler movement was recognized by responsible law enforcement officers in Germany long before 1930. Even back in 1924 the Bavarian Police Administration emphasized the immediate threat to the existence of the State. This is revealed in the almost prophetic parole report concerning Hitler made by the Bavarian Secret Police; this report is published as Document A of this study. It requested that Hitler should serve his full five-year term for high treason, or be deported as an undesirable alien for being a constant danger to the State. This official suggestion, however, was sabotaged by friends of the Nazis within the Bavarian Administration of Justice—among them the Minister Franz Guertner, who was appointed as Reich Minister of Justice in 1933.

The next move to avert the danger of the National Socialists by means of law enforcement was made by the Police Division of the Prussian Ministry of the Interior in 1930. The Ministry ordered a thorough investigation of the Nazi Party and its officers, in order to ascertain whether the Party violated the statutes on high treason, sedition, and conspiracy, and other provisions of German criminal law. The result of the investigations made by the secret services of Prussia, Bavaria, and Hesse is a confidential report of the Prussian Secret Police—which was supervised by the Ministry of the Interior—on the treasonable and conspirative character of the Nazi Party, written in August, 1930 (that is, two and a half years before the Nazis acceded to power). This report is the principal document of this study (Document B). It shows in detail the techniques of the Nazis in their misuse of the constitutionally guaranteed freedoms and the democratic institutions as tools for the final abolition of these freedoms. It also reveals their subversive methods in undermining and infiltrating the State apparatus, especially the army and the police. Details of these methods are presented also in various court decisions which are part of this study (Documents D1, D2, and D3).

The legal analysis of these Nazi techniques by the Ministry of the Interior (the present writer was at that time the responsible legal counsel) characterized the Nazi activities—allegedly performed within the boundaries of civil rights—as treasonable acts punishable according to the German Criminal Code. The Nazi Party itself, camouflaged as a parliamentary party, was analyzed as a treasonable organization.

This report on the treasonable nature of the Nazi organizations was submitted to the Oberreichsanwalt (Reich Attorney General),

Karl August Werner, and to other agencies, as basic material for the prosecution of the Party and its officers. Werner's act of sabotage in deliberately refusing to enforce the law is disclosed in correspondence designated herein as Document C. It consists of letters between the Oberreichsanwalt and the author, who used a pen name because of his official position as legal adviser of the Prussian government. This correspondence was terminated by the final announcement of the Oberreichsanwalt that he would not prosecute the Nazi Party and its officers for high treason and secret conspiracy. The result of this surrender of the democratic duty for law enforcement was that a criminal gang which endangered the freedom of all peace-loving countries came to power.

DOCUMENT A. A POLICE RECOMMENDATION OF 1924 TO
DEPORT HITLER

Document A is a report made by the Bavarian Secret Police to the Bavarian State Ministry of the Interior on September 22, 1924, recommending the deportation of Adolf Hitler.¹

On April 1, 1924, the People's Court of Munich had sentenced Adolf Hitler to five years' confinement in a fortress for high treason. However, the court ruled that Adolf Hitler, Friedrich Weber, and Hermann Kriebel, who had been in prison since November 9, 1923, be placed on parole after serving six more months.

This unusual ruling caused the State Police Administration at Munich (Polizeidirektion Muenchen), in charge of internal security in Bavaria, to protest strongly against the planned parole measures and to request Hitler's deportation should the parole unexpectedly be granted. These suggestions were made in two confidential reports of May 8 and September 22, 1924, addressed to the Bavarian State Ministry of the Interior, which was the supervisory agency of the State Police.

As a result of these reports, the Bavarian State Attorney filed formal complaints protesting against the parole ruling. However, the Bavarian Minister of Justice, Franz Guertner, intervened and ordered the withdrawal of these complaints. Consequently, the court's ruling finally became effective on December 20, 1924, at which time Hitler

¹ Note by Editorial Board: Not only has this document, edited by Doctor Kempner, been hitherto unpublished, but we believe even the fact that the Secret Police of Bavaria in 1924 recommended the deportation of Hitler is unknown to the public.

was released on parole from the Landsberg Fortress. Franz Guertner was later rewarded for his intervention by being made Reich Minister of Justice in the National Socialist Cabinet when Hitler came to power, where he served until his death in 1942.

The request to deport Hitler as submitted in the police reports was blocked by members of the Bavarian Cabinet who secretly favored Naziism or believed that they could do business with Hitler.

The confidential report of September 22, 1924, set forth below, is one of the most prophetic documents of modern history. Even in 1924 it recognized the threat of the Hitler movement to the existence of the German Republic.

STATE POLICE HEADQUARTERS, MUNICH

Munich, September 22, 1924

CONFIDENTIAL!

IV a.Hr.:2427

Report to the Bavarian State Ministry
of the Interior, Munich

Re: The conditional parole of ADOLF HITLER, writer;
Dr. FRIEDRICH WEBER, Veterinarian; and Lieutenant
Colonel (ret.) HERMANN KRIEBEL

The State Police department has already expressed its opinion in the report of May 8, 1924, to the effect that, in consideration of the temperament and energy with which Hitler pursues his political ambitions, it is to be definitely assumed that he would not give up these ambitions even after his release from imprisonment, but that he would remain a continual danger to the interior and exterior security of the State. Until the present time no reason has been found which could have led the police department to change the opinion rendered at that time.

In taking the stand that Hitler and Doctor Weber should not be released on October 1, 1924, the police department bases its decision on the following reasons: Even during the trial the three defendants repeatedly declared that, immediately upon their release, they would again promote the National Socialist movement and that they would continue to work in the same manner as before. Hitler, Kriebel, and Doctor Weber are now, as before, the leaders of the dissolved paramilitary troops and the spiritual leaders of their camouflaged front

organizations now in existence. Therefore a release of the three persons named, even on conditional parole, should not be considered. Should the court unexpectedly grant a parole, however, it would be necessary for the given reason to deport Hitler as the soul of the entire nationalistic and racial movement in order to avoid the immediate danger to the Bavarian State. In respect to this, I refer to my previous report of May 8, 1924, in which I fully explained the reasons for my request for Hitler's deportation from Bavaria.

The numerous riots instigated by his followers until the time of the Putsch are to be accredited to his influence. The moment he is set free Hitler will, because of his energy, again become the driving force of new serious public riots and a continual menace to the security of the State. Hitler will resume his political activities, and the hope of the nationalists and racists that he will succeed in removing the present dissension and discord among the officials of the para-military troops will be fulfilled. Hitler's influence upon all nationalistically inclined individuals—today he is more than ever the soul of the whole movement—will again carry the entire movement forward and will even engulf great masses of persons who are not foreign to his ranks and convert them to the idea of the National Socialist German Workers Party. In order to accomplish this, he will forcefully revive the mass assemblies, he will organize demonstrations like those prior to the Putsch, and we can surely expect outbreaks such as are still vivid in our memory. Hitler will again take up his relentless fight against the Government and will not abstain from violations of the law even if he is to face the revocation of his parole.

Therefore it is completely immaterial whether, as expressed, he will take up his residence in Berlin or in the Mecklenburgs upon his release or whether he will remain in Munich itself. . . .

/s/

The Director of the Bavarian State Police,
Munich.

DOCUMENT B. A POLICE REPORT OF 1930 REVEALING THE
NSDAP AS GUILTY OF TREASON¹

Document B is a confidential report made by the Police Division of the Prussian Ministry of the Interior in 1930 on the treasonable character of the National Socialist German Workers Party. It is based on Sections 86 and 129 of the German Criminal Code and Section 4, No. 1, of the Law for the Protection of the Republic (see Appendix A, pages 147-49 below). The contents are as follows:

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¹ Note by Editorial Board: This document, a confidential report concerning the Nazi Party before Adolf Hitler's appointment as Chancellor, was prepared in 1930 under the legal supervision of Mr. Kempner. At the present time it is highly interesting for its thorough treatment of the Nazi efforts to win over the Reichswehr and the police of the German states (pp. 96-130), and for its indication to what extent the Prussian Secret Police then realized the Nazi danger and how fully they appraised the new movement. For economy of space, some of the quotations have been omitted, and some others have been shortened.

The footnotes with asterisks were in the original document; those with numerals were added by Mr. Kempner in 1943 and slightly revised after the surrender of Germany. The italicized portions of the quotations were underlined in the original German (typed) text. As an aid to the reader, a list of "Important Dates in the Development of the National Socialist Party" has been added by Mr. Kempner (Appendix B, pp. 149-53 below).

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The text of Document B follows:

I. HISTORICAL DEVELOPMENT

The NSDAP (Nationalsozialistische Deutsche Arbeiterpartei—National Socialist German Workers Party) was founded in Munich after the Soviet dictatorship (Raeteditatur) had been abolished. Adolf Hitler, a draftsman who had come from Vienna in 1912, his mind full of anti-Semitic, pan-Germanic, and anti-Socialistic ideas, soon began to play a leading part in the new organization. The Party first appeared before the public on February 25, 1920, in a mass meeting in the Munich Hofbraeuhaus, where Hitler explained the program of the Party as based upon twenty-five theses. It has adhered to this program without change to the present day. On July 29, 1921, Hitler was elected the leader of the Party. Even at that time, in addition to the Party organization, the so-called Storm Troops were established as uniformed fighting units of military character; they were destined to support and promote the so-called National Revolution, proclaimed by Hitler in Munich on November 8, 1923.² This undertaking failed. Hitler was sentenced to five years' confinement in a

² November 8-9, 1923: Hitler's Putsch in the Buergerbraeu-Keller, Munich (see Document A and Appendix B).

fortress³ for high treason; furthermore, the Party was suppressed in Bavaria, after other states had taken similar action.

In December of 1924, Hitler was released on parole⁴ and soon afterwards shared in a general amnesty. Then the Party was reorganized, and it soon spread over the whole Reich as a result of extensive organizing and propagandizing activities. The basic program of the Party proclaimed by Hitler on February 24, 1920, was retained unchanged and also became the program of the National Socialist German Workers Association, which was founded in Munich on May 22, 1926, and was registered there with the registrar of associations on June 30, 1926. Although the Party as such does not possess the legal form of a judicial body,⁵ this association, evidently for tactical reasons, serves as the means of acquiring privileges and assuming responsibilities in the sight of the law. In reality, the Party is identical with the Association, inasmuch as admission to Party membership automatically means membership in the Association (Article 3 of the Statutes); the Party and Association are separated for formal reasons only.

II. CHARACTER AND PURPOSE OF THE NSDAP

A. The Party as an Organization

The political parties of Germany, although more closely knit than the French and the British were, are in general relatively loose organizations. Membership usually signifies only that one agrees basically with the principles for which the party stands; it is not necessary that the party member approve all of them. Membership indicates the political convictions of the individual, but his obligation to activity exhausts itself mainly through the payment of his party dues. As a rule, the acquisition of membership also indicates the willingness of the member to promote the aims of the party by voting for the party candidates in elections and plebiscites. The larger German parties expect no more active work on the part of their members, and even less do they look for constant readiness to perform duties for the party. Much as they may desire that their members should not restrict themselves to such a passive form of membership, active work for the party is never a *conditio sine qua non*. Ordinarily the members of the

³Landsberg am Lech, Bavaria, together with Rudolf Hess and other co-conspirators.

⁴See Document A and Appendix B.

⁵By the Law Securing the Unity of Party and State of December 1, 1933, the NSDAP became a corporate public body and part of the governmental structure of the Reich.

German parties in their relations to one another feel more or less as individuals and act accordingly; at any rate they do not acknowledge for themselves unconditional submission to the party machine or unquestioning obedience to the uniform will of the party. Usually there are no close ties between the members; they are held together only by the fact that they belong to the same party.

The NSDAP differs fundamentally from the traditional pattern of German parties. Though it may call itself a party and exercise functions as do other parties, it does not stop there. It binds its members much more closely, not only in regard to shaping their decisions at elections and plebiscites, but also in all spheres of life. From this the Party derives its double character as a political party and as a political bund.

1. OFFICIAL PARTY STATEMENTS AND STATUTES

Even in his book, *Mein Kampf* (2nd German Edition, 1930, p. 651), Hitler states quite explicitly that the Party recognizes as members only those who will work actively for the movement, that there is no such thing as passive membership, and that, therefore, the acquisition of Party membership is identical with the obligation to constant active work for the objectives of the Party:⁶

A follower of a movement is one who agrees with its aims, a *member is one who fights for these aims*.

Accord is based only on the recognition of the aims, *membership on the courage to stand up for them and to spread them*.

Propaganda must, therefore, constantly endeavor to win new followers for an idea, while the *organization must take great care that from among the followers only the most valuable ones are made members*.

Hence it follows that the number of followers cannot be too large but that *the number of members may more easily be too large than too small*.

These are not mere personal statements of Hitler which do not affect the activities of the Party, but directives which are binding for the Party and which are constantly being used in its actual work. They have received a form and meaning in the Statutes of the Party and its organization.

Article 2 of the Statutes of the National Socialist German Workers Association reads as follows:

The purpose of the Association is to bind together all honest working groups of our people, regardless of whether they be physical or intellectual workers, so

⁶ Similar principles can be found in Bunds and Leagues organized by the Nazis in foreign countries.

that they with united effort may create the conditions necessary to win their political freedom and their economic independence.

We can understand what is meant by this "united effort" from the explanations of Gottfried Feder,⁷ the authoritative interpreter of the National Socialist program, given in his booklet "The Program of the NSDAP and Its Basic World Philosophy" (Booklet No. 1 of the *Nationalsozialistische Bibliothek*, 1930).⁸ On page 7 of this brochure we read:

Yes, fighters! Not "party members" of some political party which pursues any political objective or which tries to fulfill a small part of the promises made at election time by scheming political bartering.

Yes! Every National Socialist must be a fighter, a fighter for an idea, that is, in German "ein Hochziel," a high ideal, which is worth fighting for. "To fight" means more than "to endeavor," "to try to do something," "to acquire by long sitting," "to obtain by underhand means," "to barter" or "to succeed in a round-about way." . . .

To fight means to become active to the point of sacrificing one's self and one's personal interests, to dedicate one's self with all his abilities in all earnestness, and if necessary to sacrifice one's own life.

An article in the *Voelkischer Beobachter*,⁹ No. 129 of (June 1-2, 1930), entitled "Abschied vom Buerkertum" (Departure from Bourgeoisie), very significantly states:

We renounce all bandwagon followers. He who joins our ranks must burn his bridges behind him—a hundred percenter or nothing.¹⁰

In the spring of 1930 J. Berchtold¹¹ in the *Nationalsozialistische Monatshefte*,¹² No. 1, page 34, writes the following on the National Socialist Movement:

Figures in and of themselves have no significance. They attain value and meaning only when they can be used as the expression of spirit, of struggle, or of sacrificial courage. And this is truer in the National Socialist German Workers Party than anywhere else, for it is interested only in militant personalities, and therefore has only activists as members.

Article 2 of the Statutes is similarly interpreted in the pamphlet *Organisationssystem des Gaues Gross-Berlin*, pages 33-34:

⁷ Gottfried Feder became Under-Secretary in Hitler's Ministry of Economics, but fell into disgrace some years later. He died in 1942.

⁸ Official series of pamphlets of the Nazi Party.

⁹ The *Voelkischer Beobachter* became the official newspaper of the Nazi Party in 1920. Edited in Munich and Berlin.

¹⁰ Of particular importance for the setup of an underground organization.

¹¹ Josef Berchtold, born March 6, 1897, participated in the Putsch of November, 1923.

¹² Official magazine of the NSDAP, founded in 1930.

The NSDAP is fighting for a new system of social conditions in the German Reich. Article 2 of the Statutes contains among other things the following statements to this effect (the following quotation follows Article 2 quoted above): "From this we can draw the conclusion that every fellow countryman who joins the NSDAP is duty bound 'in common effort' to do all the party work necessary to reach the goal set by the Statutes. Hence there are no so-called 'passive members' in the NSDAP; the Party is the sole workers' association and includes all Party comrades."

From this we may conclude not only that the NSDAP is a spiritual group but in addition that the joining of this Party carries with it the obligation to support its purposes actively.

2. ORGANIZATIONAL STRUCTURE AND PHILOSOPHY

The organization of the NSDAP conforms to its functions. It is so closely knit that down to the last member the Party constitutes an obedient tool in the hands of its leader. At the head of the Party stands the Party Directorate, which consists of the chairman, the secretary, the treasurer, the chairmen of the various committees, as provided by the Statutes, and the executive secretary of the central headquarters.¹³ According to Section 6 of the Statutes, the main responsibility for the guidance of the Party is vested in the chairman. This provision is further explained at the end of this section with the statement:

As the responsible leadership of the association lies in the hands of the chairman, he must be regarded as superior to the officers. He is *responsible only to the General Assembly*.

According to its Statutes the Party is divided into Gau territories,¹⁴ whose leaders are appointed by the Reich Directorate—that is, by Adolf Hitler. This Directorate generally deals only with the local group and the Gau bureaus. Exceptions exist only for Bavaria, which as a Gau contains nine Gau-districts, and for the electoral districts of Duesseldorf, East and West, each of which forms a district directly responsible to the Reich Directorate. These are called Districts Essen and Bergisch-Land/Niederrhein, respectively. The division of the Gaus into districts, and of the local groups into sections and block cells varies. But in harmony with the whole structure of the Party, the

¹³ The number of the members of the Party Directorate was later enlarged by other officers, called Reichsleiter.

¹⁴ The area of a Gau frequently corresponds to the area of German States or Prussian Provinces. Originally the term Gau was used only for administrative districts of the Party; later, however, it was introduced into the State administration, e.g., Gau Sudetenland, Oberdonau, Tyrol, etc. The head of the Gau is the Gauleiter (Gau leader).

organization is so completely streamlined and hierarchical that it guarantees complete control of each Party member.¹⁵

In accordance with the structure of the organization, authoritarian forms govern all activities of the NSDAP. Adolf Hitler decides fundamental questions by issuing so-called official Party proclamations.¹⁶ Important measures are proclaimed by orders. "Richtlinien fuer die Aufstellung von Sportabteilungen" (Directives for the Establishment of Sport Divisions) issued for Berlin by the former Gau leader, Doctor Schlange, may serve as one of the many possible examples for this type of party activity. They begin with the sentence:

Every Local Group *must establish* a sport division at once and appoint a suitable Party member as the leader.

Point 3 contains the sentence:

The leader of the Sport Division is appointed by myself and is directly under my supervision.

The same observation can be made in all Gaus of the Party at all times. In a report directed to the National Command of the "Stahlhelm"¹⁷ regarding the plebiscite,¹⁸ Hitler calls himself "the leader of a highly centralized party, the National Socialist movement." In a circular of the Gauleitung Rheinland (Rhineland Gau Command), dated November 20, 1929, it is stated:

The final decision—we all should be quite clear about this—is never made by the masses of voters but by a small minority, closely knit and well disciplined, which is put into action at the right moment.

In the meeting of the NSDAP of July 1, 1930, in the Berlin Sportpalast, held on the occasion of the evacuation of the Rhineland, the Westphalian Gau leader, Wagner,¹⁹ said, according to the *Voelkischer Beobachter*, No. 159 (July 6-7, 1930):

The hour of our fulfillment moves steadily nearer, and therefore we now need a *hard iron discipline, which will press to the wall everyone who does not adapt himself.*

¹⁵ Similar principles are in force for Nazi Bunds or Leagues organized in foreign countries.

¹⁶ Expression of the *Fuehrerprinzip*.

¹⁷ Stahlhelm (Steelhelmet), Bund of Front Soldiers, founded November, 1918, by Franz Seldte—a nationalistic organization which subordinated itself to the Nazis in 1933, but was finally dissolved by Hitler in 1935.

¹⁸ Plebiscite sponsored by the Stahlhelm on the rejection of the Young Plan, proposed by Owen D. Young. This plebiscite was held in Germany on December 22, 1929, but only 13.8% voted in favor of the rejection of the plan.

¹⁹ Josef Wagner, born January 12, 1899, in Alsace-Lorraine. Member of the German Reichstag since 1928 and present Reich Price Commissioner. Formerly Gau leader of Westphalia and later Oberpraesident (Provincial Governor) and Gau leader of Silesia.

An article called "Reform oder Revolution" (Reform or Revolution) by the Silesian Gau leader Brueckner²⁰ in the 33rd of the *Nationalsozialistische Briefe* (February 1, 1927), says:

A disciplined organization, without which there is no striking power, must be used together with vitally necessary increased propaganda as plow and seed in cultivating the field

According to *Der Angriff*, No. 5, July 3, 1930, at the General Assembly of the Berlin Gau of the NSDAP on July 1, 1930, Berlin Gau Leader Goebbels²¹ characterized "*discipline as the supreme law of the organization*" and emphatically declared: "*He who does not fall in line will be forced out.*"

In No. 54 (July 6, 1930) of Doctor Goebbels' newspaper, *Der Angriff*, the following quotation appears in the column "Political Diary":

Men who desire only to liberate Germany from within as well as from without rally to it [i.e., the NSDAP]. This requires the strictest discipline on the part of every person as well as sense of responsibility and wholehearted submissiveness. Those who cannot become acquiescent should not join our ranks, or those already in should leave.

The same issue of *Der Angriff*, No. 54 (July 6, 1930), gives the following enlightening explanation about the question of the discipline of Party members:

They to whom this program does not appeal need not join our ranks. We request no one to do so. Of course, our philosophy affords ample opportunity for free intellectual development, and even in problems of tactics there may often be wide variance of opinion. However, at a certain point discussion must end. That is where theory ends and action begins in order to make decisions. Once the decision is made, then the entire organization stands united in support of it, regardless of whether one or another has a divergent opinion as to the various strategies. That is the most primitive law of discipline.

It is also quite possible that, among the many decisions made, one may be wrong. But in such cases there is all the greater obligation for the entire organization, from the highest leader to the lowest Party comrade, to stand together in solid resolution. For only in this way can the Party rise above the consequences

²⁰ Helmut Brueckner became Oberpraesident (Provincial Governor) of Silesia when Hitler came to power, but fell into disgrace some years later. His present whereabouts is unknown.

²¹ Paul Josef Goebbels, born October 29, 1897, in Rheydt, Rhineland—Reich Propaganda Chief of the Nazi Party; Gau leader of Berlin; Editor-in-Chief of the newspaper *Der Angriff*; chief columnist of the official magazine *Das Reich*, where the Propaganda Ministry publishes its propaganda; since 1933 Reich Minister of Public Enlightenment and Propaganda. On July 20, 1944, he became Reich Plenipotentiary for All-out Mobilization. Disappeared after the defeat—probably is dead.

of a wrong decision and ultimately convert it to its own benefit through iron discipline.

The affiliated organizations²² of the NSDAP, which reflect the same setup and include every member, do not permit mere passive participation but demand the most energetic activity for the Party. Thus the Nationalsozialistische Lehrerbund (National Socialist Teachers Bund), which was founded in Hof in April, 1929, describes as its aims:

To combine an activist group of teaching personalities who will lead an unrestricted, relentless fight against all forces which seek to submerge the future of our people, the German youth, in the swamp of internationalism, pacifism, and democracy.

A Berlin high school junior wrote as follows in the April, 1930, issue of *Aufmarsch*, the official organ of the Nationalsozialistische Schuelerbunde (National Socialist High School Students Bunds), about the Hitler Youth and the Student Bunds:

Both are great melting pots for the young *activists* who stream to us from all sources. . . . The Student Bund is the "fighting troop" in the schools; the Hitler Youth as the more inclusive organization has the duty of training young workers and students, that is, the youth of the bourgeoisie and the youth of the proletariat, for the battle of the future, to make German socialists out of middle class people and German nationalists out of proletarians.

3. EXAMPLE OF THE BERLIN GAU ORGANIZATION

As an example of the centralized organization of the NSDAP, which embraces every individual member by demanding active support of Party aims and constant willingness to do Party work, the *organization of the Greater Berlin Gau* should be mentioned here. This organization was described in a collection of circulars published by the Gau Command of Greater Berlin in October, 1929, under the title "Organisationssystem des Gaues Gross-Berlin."

In it was reprinted the plan for the organization of Block Cells, which was put into effect on July 15, 1928. This plan, as stated in the following sentences, emphasizes the revolutionary character of the Party, which requires a closely knit, uniform organization extending down to the last member, who unconditionally obeys the will of the political "Fuehrer:"

²² All organizations which have introduced the Fuehrer principle or are administered by a confidential representative of the Party must be regarded as affiliated, regardless of whether the affiliation is a general result of the totalitarian practice of the Nazi State or is established in a special decree.

As a revolutionary party the NSDAP must have an organizational structure which permits an expeditious, certain, and permanent execution of the political will of the "Fuehrer" (p. 5).

For this purpose the Berlin Gau is divided into Districts which in turn are subdivided into Cells, usually having five members. The chief of the Cell is appointed by the District leader and is responsible to the Block leader of the District, who is also appointed by the leader of the District. The extremely close relation of this leaders' group is evident in the following words:

The direct line of command of that leaders' group which actually commands the District extends from the Cell leader up to the District leader. It resembles a hierarchy, which, *complete in itself*, unerringly adheres to its own iron laws—achievement and responsibility. This group of leaders is the iron band enclosing the District (p. 80).²²

This close relationship exists not only among the group of leaders and those within the ranks of the Party activists, but also among all Party members, as is stated some lines later:

Only an organic grouping of all Party comrades, especially of the leaders of the Cells who are the nucleus of the District, guarantees the success of a District Command which has definite goals.

This is expressed even more clearly in statements regarding the execution of the plan for the organization of cells:

The "revolutionary party" as such is obligated, inasmuch as *it is a collecting center not of mere followers but of true fighters for the National Socialist philosophy*, not only to mold its members into an active, powerful organization, but, what is more important, to develop from among the members the greatest possible number of *personalities*; that is, Party members who are able actually to think and act for themselves. . . . It must develop understanding, perseverance, stamina, and the ability of the member to grasp and promote new principles in order to *pull him out of the sphere of the emotional revolutionist* (usually the result of mob psychosis, etc.) and make him into a *consciously fanaticized fighter* (pp. 8, 10, 11).

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The most elementary duty of the Section leaders is to develop the *greatest possible ability in action and the most complete spiritual unification of their subordinate members* (p. 14).

The provision that individual Block Cells contain no more than five men serves the purpose of achieving full participation of all Party members (p. 12). In order to have constant control over the members of his Block Cell, the leader of the Block Cell is required to keep a

²² This cell system is the logical system to be adopted by the remnants of the Party which will go underground when the Party itself is outlawed.

control book, which must contain columns for recording attendance at discussion evenings and other meetings. The same purpose is served by the provision (p. 30) that all members of the Block Cell units must attend public discussion evenings.

Because of its entire structure and purpose, the Party can accept active members only.²⁴ Therefore, through an organizational directive of December 30, 1929, the Gauleitung Berlin (Berlin Gau Command) resorted to a blanket non-admittance of new members during the months of January and February, 1930. This was also done in the Rhineland. During these months the Party was given the task of expelling all undesirable elements. As "undesirable" the following persons are expressly cited:

All Party members who emphatically refuse to do Party work, unless it has been definitely established that they cannot perform the work for reasons of health or profession (other reasons are not valid); all Party members who, it may be assumed, will be of no practical advantage to the Party in the future (those who are slow in paying dues, who fail to attend meetings, or who have weak and cowardly characters, as well as those who are opportunists, rowdies, drunkards, etc.).

4. LEGAL ANALYSIS

Therefore, as can be seen from the above, the NSDAP is not a loose alliance of persons who are bound only by the uniformity of their conviction, by the payment of dues, etc., or individuals who, without any knowledge of one another, pursue identical aims by voting for the same candidate.* It is a closely knit organization intended to endure for a long time. It is characterized by the subordination of the individual member to Party orders which represent the wishes of the whole. Because of its organization it demands the active participation of every member, the striving for close Party co-operation among all Party members and the closest relationship between them, and is not interested merely in an abstract concept of party.

We, therefore, have the characteristics of an "organization" as defined in Sections 128 and 129 of the StGB (Strafgesetzbuch—Ger-

* Compare Haentzschel-Schoenner, *Gesetz zum Schutze der Republik* (Law for the Protection of the Republic), 1930, note 4 to Sec. 4 (abbreviated Haentzschel-Schoenner); Cohn-Schaefer-Wichards, *Law for the Protection of the Republic*, 1930, p. 52 (abbreviated Cohn-Schaefer-Wichards). Also see Appendix A.

²⁴ The character of the membership body of the Party as a motor within the machinery of the Third Reich was maintained until the surrender.

man Criminal Code)²⁵ as established by repeated court decisions* and in the legal literature (compare the decision of the "Staatsgerichtshof zum Schutze der Republik" [State Tribunal for the Protection of the Republic] of October 25, 1924 - St.R St. 54/1924 - in the criminal case against Hoffman *et al.*)
12 J. 190/22

B. The Party as an Organization Hostile to the State as Defined in Section 129 StGB

1. WILL TO ILLEGALITY

The NSDAP will not submit to any eventual measures against it, especially those prohibiting the Party or some of its institutions. This is clearly expressed in No. 35 (January 7, 1930) of the *Nationalsozialisten Presse Korrespondenz*, an official publication of the National Socialist faction of the Reichstag:

... and therefore we wish to say that the Social Democrats and other party politicians would soon learn just how capable the NSDAP is of bringing about a national revolution *in spite of any prohibitive decree. We are not afraid to engage in political activities though we be condemned as illegal.* Today we have sufficient men from the ranks of the Communist Party and the Social Democratic Party who have been through an effective school of experience in regard to illegal political maneuvering. Mr. Braun* and accomplices will quickly find this out if they want to.

The same ideas and plans are repeatedly expressed by leading National Socialists. Thus, Gau leader and Reichstag deputy Wagner-Bochum declared in a public meeting of the NSDAP in Hamm (Westphalia) on June 28, 1930:

Our Storm Troops live and shall live forever. Should the Party be prohibited, then we shall *continue to work illegally.*

This same Wagner declared in a National Socialist assembly in the Schiesswerdersaal in Breslau on July 10, 1930:

We shall allow no one to prevent us from continuing the struggle for power in Germany. Up to this time the struggle has been legal, and we do not wish to deviate therefrom. But *should you force us, then we shall pursue this struggle*

* Decisions of the Reichsgericht in Strafsachen (RGST.) 24,328; 17,193; the German Criminal Code 1927, note 2 to Sec. 128 (abbreviated Olshausen); Cohn-Schaefer-Wichards, pp. 7 and 52; German Criminal Code annotated by Ebermayer, Lobe, and Rosenberg, 1929, note 2 to Sec. 128 German Criminal Code (abbreviated Leipz. K.); Haentzschel-Schoenner, note 4 to Sec. 4.

²⁵ See Appendix A.

²⁶ Otto Braun, Prussian Prime Minister (1920-1933); Social Democratic member of the German Reichstag and the Prussian Legislative Assembly. Otto Braun is living as a refugee in Switzerland.

illegally. And then you shall certainly see! For there is one thing that is more important to us, a thousand times more important than a ministerial decree, a thousand times more important than a police administration: the obligation to do the utmost to influence the destiny of Germany. No one can divert us from this.

And on July 18, 1930, District Leader Schmidt declared in a meeting of the NSDAP in Hameln:

Should they endeavor to prohibit the Party, it shall be continued by illegal methods. You shall give them no peace.

The same idea was expressed by Supreme Storm Troop Commander von Pfeffer²⁷ to a subordinate officer in Cologne on November 28, 1928:

The comradeship of the SA units must therefore become such a solid structure that all police bans or other underhand methods will glance off its granite wall.

Likewise, Hitler proclaimed to the mass meeting in the Berlin Sportpalast on May 2, 1930, according to a report in the *Voelkischer Beobachter*, No. 107 (May 7, 1930):

Everywhere new forces are appearing of which no one was aware and which are now present and are arousing our people. *And hundreds of thousands are just as ready to obey as they are able to command. We are courageously and ruthlessly building our new State.* None of the men in our ranks wants to vote, but actually they want one man to give the orders. *We are also prepared to declare: "We shall do what we want; we have the courage to face any power."*

2. LEGAL ANALYSIS

Accordingly, there can be no reasonable doubt that the leaders of the NSDAP were fully aware that by pursuing their plans they would incur the opposition of the Republican Government, and they were determined, by illegal methods, to overcome and emasculate the counter measures of the authorities, such as police measures regarding organizations and meetings.

According to Section 129, StGB,²⁸ it is a punishable offense to participate in an organization whose purposes or activities are to obstruct and emasculate measures of the administration by illegal methods. These elements are present in this case. According to court rulings and literature,* all methods which violate any law, even if this

* RGSt. 19, 99; Leipzig K., note 3 to Sec. 129; Olshausen, note 2 a.a.o.

²⁷ Franz von Pfeffer, born on February 19, 1888, in Duesseldorf, was Supreme SA Commander (Osaf) from 1926 to 1930. He participated in acts of sabotage against the occupational forces in the Ruhr Valley and in the fight against the Poles in Upper Silesia after World War I.

²⁸ See Appendix A.

law is not protected specifically by a threat of punishment, may be regarded as illegal.

The illegal methods, however, must have a purpose; they must serve to hinder or emasculate the measures of the administration or the fulfillment of the law. That is, there must be some kind of resistance to the authority of the State.* These elements are present in this case. The indicated illegality (that is, the disregard of the breaking up of an organization by the police) shall serve, through disobedience of these governmental measures, to assure the continued existence of the organization (then forbidden and illegal) in the interest of the common pursuance of its goals and plans, and to enable it to continue to work, in secret, on an organized basis.

The *measures of the administration* referred to in Section 129, StGB, are understood to include all measures of a general nature, as well as decrees which affect and individual in a special situation.** It is not necessary that the opposition or invalidation be directed against measures already enacted; rather, it is sufficient that they be directed against the measures planned in view of the danger threatening from the organization. The announcement of resistance to a ban of the NSDAP is an example of resistance to a measure planned but not yet enacted by the government; the NSDAP intends to oppose this measure by illegal methods. For the fulfillment of the provisions of Section 129, StGB, it is not necessary that the invalidation of *specific* measures already be contemplated.

The statements in question are not those of rank-and-file Party members, but involve the political conduct of those Party members who in actual fact and according to the statutes play a leading role in the Party; therefore it is not a question of personal views. Rather, attacks against decrees of the State described above are the *purpose and activity of the NSDAP*. The purpose is generally regarded as the goal toward which an organization strives, a motive which by itself or in conjunction with other motivating principles has occasioned the founding or continuance of the organization. This need not be the only purpose, nor the ultimate one. A decision in the controversy as to whether this purpose must be stated in the statutes or otherwise expressed, or whether the actions of an association are the decisive fac-

* RGSt. 16,294; 40,384; 54,103 as well as Haentzschel-Schoenner, note 3 to Sec. 4; Olshausen, note 2 to Sec. 129 and Leipzig K., note 3 to Sec. 129.

** Leipzig K., note 3 to Sec. 129, StGB.

tors, is not required here, as either the activities or the purpose is sufficient. Activity, however, is regarded as the recognizable aim of the organization which, though not openly expressed, is revealed in the operations of the organization.* Such an aim is evident here.

Accordingly, the NSDAP must be considered as an organization hostile to the State as defined in Section 129, StGB; anyone who is a participant in such an organization violates Section 129, StGB, and is subject to prosecution.

C. The Party as an Organization Hostile to the Republic as Defined in Section 4, No. 1, of the Law for the Protection of the Republic.

1. THE POLITICAL OBJECTIVE OF THE NSDAP

The political objective of the NSDAP has not as yet found a definite or clear-cut means of expression. From all statements it is evident that the Party not only visualizes its goal in the establishment of the National Socialist "Third Reich," but also is a pronounced enemy to the constitutional form of the German Reich and its States, developed under the Weimar Constitution. Adolf Hitler had already expressed this basically negative attitude as a program in his book, *Mein Kampf*:

Should one desire to transform the ideal conception of a "racio-nationalist" State into an actuality, then, independent of the existing powers of public life, one must seek for a new force which is willing and able to take up the fight for such an ideal. For this case does involve a fight, inasmuch as the *first task is not to create a "racio-nationalist" conception of State, but to do away with the present Jewish conception.* As so many times in history, the main difficulty lies not in forming the new order, but in *making room* for it.**

This negative attitude has remained the most prominent characteristic of the Party. The positive conception of the "racio-nationalist" philosophy of state, in which the basic principle is the complete negation of the parliamentary system, is only vaguely outlined by Hitler in the following words:

From the smallest local governments up to the Reich Cabinet, the "racio-nationalist" State has no representative body which decides by majority, but only advisory bodies which aid the elected leader; he apportions their share of work so that, as circumstances require, they, in turn, must assume complete responsibility in certain fields, exactly as must the leader himself or the head of a respective unit, on a larger scale.

* Cf. RGSt. 16,299, Leipzig K., note 2 to Sec. 129; Haentzschel-Schoenner, note 3 to Sec. 4; and Cohn-Schaefer-Wichards, pp. 54-55.

** Second ed. (1930), p. 504.

The "racio-nationalist" State, in principle, does not tolerate a situation in which advice or judgment in specialized fields—for example, in the field of economics—is asked of people who by virtue of their education and activity are unable to understand anything of the matter. *Therefore it completely divides its representative body into corporate political and professional chambers.*

In order to guarantee a beneficial co-operation between them, *they are always supervised by the elite of a special senate.*

Voting never takes place in any chamber or senate. They are working institutions and not voting machines. The individual member has advisory powers, but never the final word. *This is allotted exclusively to the chairman in charge.**

In full accord with the Fuehrer Hitler, the present Reich Propaganda Chief, Doctor Goebbels, shows that the National Socialist conception of the State is fundamentally different from the principles of the Weimar Constitution.²⁹ This statement is made in *Der Nazi-Sozi*, a propaganda booklet edited by publishers of the *Nationalsozialistische Briefe*, in which he draws the following picture of the structure of the State after the acquisition of power by the National Socialists:

The economic parliament of the National Socialist State will replace the "parliament of parties" of the democracies. This body will be elected by all the German working people in accordance with the common right of equal vote. *But in this election the people are not grouped according to parliamentary democratic parties*, but according to the larger occupational groupings (estates) within the national brotherhood. The occupational groups, completely organized, guarantee that every working German be given the right which he claims by virtue of his will, his accomplishments, and his responsibility within the State. The economic parliament handles only economic policies and not policies of the State.

The *senate* stands at its side. It is composed of 200 persons who are summoned by the *dictator* from all groups and classes of the people to guide the fate of the State. These 200 will represent the elite of all the people. They assist the government by word and deed. They are appointed for life. In the event of death, they elect a new member. The Chancellor is chosen from the senate. He carries the entire responsibility for the foreign as well as for the domestic policy of the Reich. He is prepared to give his life for this policy, if necessary. The Chancellor personally appoints his ministers and co-workers. He also assumes full responsibility for them, the natural result of which is that he can dismiss or appoint them at will.

It is no longer essentially important whether a president or a monarch stand at the head of this governmental system. The Chancellor is the decisive person, and we shall see that he is strong.

* Second ed. (1930), p. 501.

²⁹ The constitution of the German Republic as accepted by the National Assembly in Weimar on August 11, 1919. It was practically abolished by Reich President Paul von Hindenburg and Adolf Hitler through the decree of February 28, 1933, which abolished civil liberties, and through various other decrees (see Appendix B).

2. UNDERMINING OF THE REPUBLICAN FORM OF GOVERNMENT

In order to prepare the foundation for the creation of the State planned by the National Socialists, with its basic principles diametrically opposed to the republican form of the German government, the NSDAP wages the fight against the Weimar Constitution in the most acrimonious forms. A glance at the National Socialist press and visits to National Socialist meetings reveal that a campaign of the lowest insults and defamation is being carried on daily. Generally the term *Republic* is used only with an adjective aimed at and capable of defaming it in the eyes of the readers or the ears of the listeners.³⁰ Such is the situation in a proclamation made by Adolf Hitler, on New Year's as published in the January 1-2, 1928, issue of the *Voelkischer Beobachter*:

The domestic and foreign policies of this year constitute a serious accusation against the responsible statesmen and politicians of the *November Republic*.

The same effort to debase the Republican Constitution was made by Colonel Konstantin Hierl,³¹ one of the military experts of the NSDAP. On page 130 of Volume 3 of the *Nationalsozialistische Monatshefte*, he discusses the military problems under the title of "Deutscher Wehrgeist" (German Military Spirit). He speaks of the "Jewish infiltration into the German Republic"³² in which every year thousands of war invalids are driven to distraction and suicide.

Reichstag Deputy Dreher³³ expressed himself in a similarly derogatory manner in an NSDAP meeting in Stuttgart on September 11, 1929:

The German Republic, which one is not allowed to refer to as a "moneybag" republic, must be combated by all means possible.

³⁰ Similar techniques have been used by the Nazis against the republican governments of other countries—e.g., Austria, Czechoslovakia, and the United States.

³¹ Konstantin Hierl was born February 24, 1875, in Parsberg, Oldenburg. He became Commander-in-Chief of the Reich Labor Service in 1935, an auxiliary military organization. He holds the rank of a Reichsleiter in the Nazi Party hierarchy and that of a Cabinet member. Hierl, a captain in the Bavarian general staff during World War I, was a commander of the Free Corps before he became a colonel in the Reich Defense Ministry of the Weimar Republic. He resigned in 1924 and organized the National Socialist Labor Service Units for Hitler.

³² Similar techniques have been used by the Nazi propagandists in foreign countries.

³³ Wilhelm Dreher was born January 10, 1892, in Ay. He became Police Director in Ulm, Wuerttemberg, after Hitler came to power. He is a Brigade Fuehrer in the SS Elite Guards.

An article in *Der Angriff*, commenting on the financial reform of the Reich under the title "Betrueger-Republik Fordert Opfer" (Chiseling Republic Demands Sacrifices), contains the following statement:

This State is doubly unjustified in demanding sacrifices from its citizens, for it is again its purpose to *defraud and cheat them*.

In the *Nazi-Sozi*,* Goebbels remarks:

There can hardly exist a worse form of government than our present so-called Republic. It is no Republic at all. It is an international rummage sale in which the soapbox auctioneer and the highest bidding Hebrews call themselves statesmen and commissars.

In an article entitled "Hinein in den Staat" (Into the State), published in *Der Angriff*, No. 17 (April 22, 1928), Doctor Goebbels also said:

One cannot be an enemy of the State if there is no State. Show me the State to which we are becoming dangerous. Do you mean this woeful creation? Yes, we are a danger to that. *This colony must be abolished in order to make room for the coming State.*

And in Breslau in April, 1929, Gregor Strasser³⁴ attacked the Republic and democracy with the following words:

The Republic, a democracy, is at present to blame for our misfortune. Among those who today are cabinet members, there is one general—the others are shirkers.

The Berlin edition of the *Voelkischer Beobachter* of August 28, 1930, pursues the same purpose when it reports the arrest of a National Socialist under the following headline: "Chained National Socialist Led through the Streets of the Republic."

The same attempt to defame the Republic is made in the *Voelkischer Beobachter* of March 14, 1930. Here the founders of the Republic—that is, those political groups which took up the reins of government in 1918, thus making it possible to reconstruct the State and also to create its new constitutional foundation—are depicted as criminals:

As the top organization of the coming Reich, we declare that we shall not rest or stop until the *November criminals*, together with the criminals of March 12, 1930, are sentenced by a German State Tribunal.

* Doctor Goebbels' *Der Nazi-Sozi*, published by *Nationalsozialistische Briefe*, first edition.

³⁴ Gregor Strasser, once the No. 2 man of the Nazi Party, broke with Hitler in December, 1932, over tactical questions. He was murdered in Hitler's blood purge of June 30, 1934. His brother, Otto Strasser, who broke with Hitler in 1930, became leader of the so-called Black Front and claims to represent the real National Socialism. Otto Strasser is now living in Canada.

The same contention is expressed in a decree of the SA leader, First Lieutenant (ret.) von Fichte, issued in Kassel to his subordinate Storm Troop leaders on September 5, 1929:

It is ridiculously illogical to kill a man who has disclosed military information, *while next to him in the highest seats of honor sit the gangsters who have betrayed an entire Reich and whose consciences are burdened with two million dead.* They have millions of cripples upon their consciences, *but they tranquilly continue to perpetrate their republican practices.* It is foolish to do away with the small traitors in a State in which the government itself lets the administrative traitors go unpunished.

Characteristic also are the statements which endeavor to point out that the republican form of government in and of itself is perhaps not bad, but that in Germany it has taken on a form that must be rejected and combated by every good German. Thus, in an article entitled "Zur Befriedigung des Oeffentlichen Lebens" (Appeasement of Public Life), in *Der Angriff* of January 26, 1930, No. 8, Doctor Goebbels explains:

No one has serious objections to a republican form of government *if it is a shield and protector of a truly German national brotherhood.*

And further,

Who among you would not peacefully serve this Republic if it were a State of national honor and dignity, and if it had been germinated in resistance instead of in capitulation.

In the *Nationalsozialistische Briefe* of March 15, 1930, Karl O. Paetels writes:

Not a man shall go to the aid of this system in its difficulties! *Every weakening of their system is a chance for us!* What concern is it of ours if the common herd cries 'Bolshevism!' and fearfully trembles for the bric-a-brac on its shelves? *This State is no concern of ours. Let it find its own protection.* We are waiting for another day!

In pamphlet No. 23 of Volume 4, page 331, of the *Nationalsozialistische Briefe*, the desire to combat the republican system by undermining its principles is expressed in the following statements:

There was not one party or one newspaper that had any idea, much less recognized the fact, that in us the revolution was on the march, the revolution of the twentieth century which will bring about a fundamental and all-inclusive change in the entire pattern of life for this era, such as was accomplished by the great French Revolution. . . .

For *National Socialism* is this, and nothing else: it is *the revolutionary fulfillment of the eternal law of the divine bi-polarity* of the world; it is the revolutionary liquidation of the liberalism of 1789 in culture, state and economy (na-

tionalism, internationalism, democracy, and capitalism), through the revolutionary rebirth of conservatism in culture, state, and economy (racialist idea, nationalism, socialism)!

A revolution, then, against the present system!—Once and for all, this defines our political attitude . . . ; everything that can be utilized to prolong the status quo, which we believe to be in fatal confusion, will be violently opposed by us.

Frequent mention is made, for example, in the above-quoted article, of the "system" which must be opposed and eliminated; this epithet is chosen only for tactical reasons, as it serves to camouflage the object of attack. It definitely does not refer only to the application and interpretation of the individual provisions of the Constitution by the present government; rather, the fundamental principle of the parliamentary-democratic republican Constitution itself is attacked. He who evaluates the totality of the National Socialist attack in its many manifestations cannot fail to realize this, just as the readers and hearers of these expressions do not fail to realize the intended meaning, but recognize it for what it actually aspires to be: a fight against the parliamentary-democratic republican form of government itself.

In an essay, "Zehn Gebote Fuer Jeden SA-Mann" (*Ten Commandments for Every SA Man*), published by Doctor Goebbels in No. 24 of the *Nationalsozialistische Briefe* (September 15, 1926), the prescribed conduct is set forth:

If nothing else is possible, submit yourself to the State's power. But console yourself: our day of reckoning will come.

This is not only a challenge to resist the power of the State whenever possible; it is also an expression of the fact that, although National Socialism may for the moment be forced to yield to the power of the State, it knows itself, from the point of view of a higher justice, to be in the right.³⁵ Gau leader Hellmut Brueckner expresses this clearly in the 33rd issue of the *Nationalsozialistische Briefe* (February 1, 1927):

The rights of the State stand in opposition to the rights of the people.

Naturally, the fight is also directed against the essential components of the German Republic. In the *Nationalsozialistisches Jahrbuch* of 1925 (p. 167) in a treatise of Heinz Haake,³⁶ a member of the

³⁵ The use of such a tactic was one of the main commandments of the Nazi underground.

³⁶ Heinz Haake was born January 24, 1892, in Cologne. He joined the National Socialist Party in 1922 and from 1925 until 1928 was the only National Socialist member of the Prussian Legislative Assembly. He became an SA

Prussian Legislative Assembly, on "Parliamentarismus oder Diktatur?" (Parliamentarianism or Dictatorship?), we read:

Under a different form of government it will still be possible to control the great masses of the people who uphold the State, in order to lead them towards a unifying goal in times of necessity. The character of the parliament, however, not only obstructs this unifying leadership, but it also is responsible for the fact that there is flaming up in Germany a fight of all against all, and the individual against the individual for their daily bread. . . .

. . . so the first act of annihilation must be directed against the Jewish-democratic parliamentarianism.

In the *Nationalsozialistisches Jahrbuch* (National Socialist Yearbook) of 1927 (p. 124), the present Thuringian Minister of the Interior, Doctor Frick,³⁷ writes:

Our participation in the parliament does not indicate support, but an *undermining of the parliamentary system*; it does not indicate that we renounce our *anti-parliamentarian attitude*, but that we are fighting the enemy with his own weapons and are fighting for our National Socialist goals from the parliamentary platform. Our next goal still remains *the conquest of the political power of the State*; it is the *prerequisite for the realization of our ideals*. But for this, an intimate knowledge of the complicated mechanism of the modern State apparatus and its driving forces is especially necessary if one wishes to dominate them in the future. One best acquires this knowledge in parliament.

Gottfried Feder, member of the Reichstag, declares in Booklet No. 1 of the *Nationalsozialistische Bibliothek*

that the nuisance of the parliamentarian-democratic right to vote will be swept away.

Roth-Liedolsheim,³⁸ deputy to the Legislative Assembly, stated in several meetings held in November and December, 1929:

The parliamentary system is nothing more than a state-sanctioned nuisance and a Jewish racket. Do you know the difference between the parliamentarian system and the skin of a sausage? Both are fit only for a cat!

Brigade Fuehrer and chief of the Provincial Government (Landeshauptmann) of the Rhine Province.

³⁷ Wilhelm Frick, LL.D., born on March 12, 1877, in Alsenz, was Hitler's Reich Minister of the Interior from January 30, 1933, until August 24, 1943, when he became Reich Protector of the Bohemian-Moravian Protectorate. He has the Party rank of a Reichsleiter and became a member of the Reichstag in 1924. Frick participated in the Hitler Putsch of November, 1923, and was sentenced by the People's Court, Munich, to fifteen months' confinement in a fortress. He served his term together with Hitler in the Fortress of Landsberg, Bavaria. He was made Minister of the Interior in Thuringia in 1930 and thereby became the first National Socialist cabinet member of a State government in Germany.

³⁸ Albert Roth, born September 10, 1893, was a Reich Lecturer of the Party. In 1933 he became a member of Hitler's Reichstag and Division Chief in the Reich Food Authority.

Another technique of the fight against the Republic is employed by Wilhelm Weiss³⁹ in the previously mentioned pamphlet No. 3 of the *Nationalsozialistische Monatshefte*, on pages 131 ff., where he deals in detail with General Groener.⁴⁰ It can be deduced from the following statements (p. 134) that this scornful treatise is not aimed against the Reich Defense Minister personally, but against him as a representative of the democratic Republic, and therefore serves the purpose of undermining the republican form of government which appointed Groener as its Reich Defense Minister:

Generals who capitulate to their mutinous soldiers without a fight are not usually commended in history books. *In the German Republic they become cabinet members.*

On the following page the Reichstag is derided as a "forum of professional anti-militarists and 'Feme' agitators."⁴¹

The attacks on the cabinet members and other representatives of the Republic which can be found in nearly every issue of the National Socialist newspapers and in nearly all of the National Socialist meetings are directed—even though this is not particularly expressed in every instance—not so much against the ministers personally as against them as "representatives of the system"—that is, against the republican form of government. In the above-mentioned *Jahrbuch* (p. 181), the chairman of the National Socialist faction of the Legislative

³⁹ Wilhelm Weiss, born March 31, 1902, former Captain and Free Corps fighter. He became Vice-Editor-in-Chief of the *Voelkischer Beobachter*, Presidial Counselor of the Reich Press Authority, and co-director of the *Deutsches Nachrichten Buero*, the DNB.

⁴⁰ Wilhelm Groener, born November 22, 1867. In November, 1918, he became first General Quartermaster of the German Army as successor to General Erich Ludendorff, and concluded the historic working agreement between the Army and the Social Democrat, Friedrich Ebert, the first President of the newly created German Republic. From January, 1928, until May, 1932, he was Reich Defense Minister, and from October, 1931, until May, 1932, he was Reich Minister of the Interior. The Nazis hated him especially for outlawing the Storm Troopers and the Elite Guards.

⁴¹ "Feme" refers to the criminal practice of the German secret para-military organizations, such as the Free Corps, of executing their members for disciplinary reasons, and for informing the State authorities about details of these secret organizations. These executions were made without trial during the period from 1918-33, at which time such procedure became the "legal" right of the Elite Guards. Democratic groups in the country and in the Reichstag which exposed the Feme were stigmatized as "Feme agitators" by the National Socialists. Furthermore, the Feme organizations murdered outstanding representatives of the new democratic regime, among them the Reich Finance Minister Matthias Erzberger (August 26, 1921) and the Reich Foreign Minister Walther Rathenau (June 24, 1922). The Feme organizations were financially supported by secret funds of the Army and certain industrialists.

Assembly in Prussia, Wilhelm Kube,⁴² expresses this when he says:

To us the Brauns, Beckers, Severings, Grzesinski, Weisses,⁴³ etc., are so minor that we need not make them conspicuous in any way as persons, let alone as personalities. *They are the prototypes of a system.*

This is certainly in accordance with the *refusal* of the Hitler Youth to *give an affirmative reply* to the statutory question—put to it in pursuance of its petition to be admitted to the Reich Committee of the German Youth Movement—whether the Hitler Youth would declare itself ready to co-operate with other organizations and, regardless of its basic attitude, *to respect the existing State and its organs.*

3. LEGAL ANALYSIS

The strategy of the NSDAP which has been outlined here is directed, as a whole, against the constitutional-parliamentarian-democratic-republican form of the German Reich and of the German States. If the Law for the Protection of the Republic guarantees a safeguarding of the constitutional form of State, it does not intend this protection to cover only the legal, outward form of the Constitution, which is provided for by the individual articles, so that only those assaults would be affected which from a purely legal point of view condemn the present Constitution as deficient, unjust, or pernicious. On the contrary, this protection, as the law shows, *covers the ideology which finds its legal expression in the present Constitution. It also covers the application of these safeguards to practical political activity—safeguards which were created by the constitutional government in accordance with the articles of the Constitution and prevailing public opinion.* For the legislator pursues practical objectives. They would be served badly if he wanted to extend the protection of the law merely to the exterior legal form of the Constitution in so far as it becomes the direct object of attacks; experience has shown that attacks of this kind do not make a lasting impression on the masses of the

⁴² Wilhelm Kube was born November 13, 1887, in Glogau. After Hitler came to power, he became a Gau leader of the NSDAP, Oberpraesident (Provincial Governor) of Brandenburg, and a member of the Reichstag. In World War II he became administrator of occupied Eastern territories; he was assassinated in 1943.

⁴³ Otto Braun, Prussian Prime Minister (1920-33); Karl Severing, Prussian Minister of the Interior (1921-26, 1930-32); Albert Grzesinski, Prussian Minister of Interior (1926-28) and Police President of Berlin (1925-26, 1930-32); Bernhard Weiss, Vice Police President of Berlin (1927-32); Carl Becker, Prussian Minister of Science and Education (1925-30). These men were intensely hated by the Nazis for their relentless fight for the Republic.

population. Only in rare instances do they tend to arouse the spirit of rebellion and the inclination to commit acts of violence, the suppression of which was what the legislator wanted to accomplish in issuing the Law for the Protection of the Republic. By the constitutional republican government of the Reich is really meant the German Republic as it has actually developed and is now functioning under the principles of the Constitution.*

It is the republican form of State in this sense that the National Socialists are attacking when they speak of the "Jew-infested German Republic," of the "Moneybag Republic," of the State which "consciously tries to deceive and betray" the citizens, and of the Democracy and the Republic which "are to blame for the misfortune"; or when they characterize the Republic as the work of "criminals," when they declare that it is part of its character to neglect "the protection of true German folkdom" and "the national honor and dignity," or that it displays a "deadly disorder," and that one need submit to it only if there is absolutely no other choice. To the constitutionally established form of the State, in this sense, belong also all its essential characteristics—i.e., the policies laid down in the Constitution, policies in which the republican idea finds its peculiar expression.

The number, the type, and the originators of the insult, defamation, and disparagement heaped on the German Republic, its representatives, symbols, and characteristic institutions prove that there is a systematic campaign against the foundations of public order. This campaign aims to and is equipped to endanger the constitutional State to the extensive degree described above, and thus is equipped to prepare the ground for the complete rebuilding of the constitutional structure as planned by the NSDAP. All the activities of the NSDAP—its press, its meetings, its propaganda, and the activities of its members in the parliaments of the Reich, the states, and the communities—are consciously, systematically, and persistently dedicated to this goal. Thus this conduct is identified as "undermining" in the sense of Section 4, No. 1, of the Law for the Protection of the Republic. The term "undermining" requires an unprecipitate, systematic action which gradually weakens the foundations of public order and its means of defense so that the success of the ultimate attack can be more surely guaranteed. What means of attack is to be used, in the course of the progressive development, by an organization proceeding in this manner

* RGSt. 57,209.

and working for the overthrow of the Constitution, naturally depends on the exigencies of the momentary situation.* In any instance, "undermining" need involve neither a violent nor an underground, so-called "mole" activity. On the contrary, it can be any activity which continues over a period of time, whether it be, in itself, legal or illegal. It is, therefore, irrelevant to the present discussion whether the individual attacks, considered separately, fulfill the conditions of a punishable act, particularly in accordance with Section 5, paragraph 1, of the Law for the Protection of the Republic.**

The actions which have been discussed as undermining the constitutionally established form of State do not represent the escapades of a few members of the NSDAP, but are constantly performed by the official leaders and organs of the Party themselves. It is the Party as such, then, which must be charged with these actions, which therefore are identified as objectives of the Party as defined in Section 4, No. 1, of the Law for the Protection of the Republic. The fact that we are dealing with an intention which is, of course, not mentioned directly in the statutes as an aim of the Party is as unimportant as the fact that it is not the sole nor the ultimate objective of the Party.***

In conclusion, the NSDAP is, therefore, an organization which endeavors to undermine the constitutionally established republican form of State. Inasmuch as the NSDAP is simultaneously—as was shown under heading "B"—an organization hostile to the State as defined in Section 120, StGB, it is subsumed under the definition of Section 4, No. 1, of the Law for the Protection of the Republic, according to which participation in such an organization is to be punished with not less than three months' imprisonment.

D. The Party as a Treasonable Organization

1. VIOLENT OVERTHROW OF THE GOVERNMENT AS OBJECTIVE (REVOLUTION—DICTATORSHIP)

a. THE PARTY AND THE HITLER PUTSCH OF 1923.

Since its foundation, the NSDAP has endeavored to change the Constitution of the German Reich by force. Even in his book, *Mein*

* Cf. Reichsgericht ruling of July 23, 1925, published in "Juristische Wochenschrift," 1930, p. 1149.

** Cf. Haentzschel-Schoenner, note 7, to Sec. 4; Cohn-Schaefer-Wichards, p. 57.

*** Cf. Doctor Bell in Reichstag 247 session of July 10, 1922, stenographic report, p. 8398; Haentzschel-Schoenner, note 5 to Sec. 4; Cohn-Schaefer-Wichards, pp. 56-57.

Kampf,* Hitler writes that he is not interested in collaborating with the existing order. On the contrary, the ideology which he has worked out must fulfill its obligation to "prepare the downfall of this order and to overthrow it by all available means."

The first attempt to bring about this violent overthrow was made by the Party under the leadership of Adolf Hitler and other leading National Socialist officials on November 8, 1923, in the so-called Hitler Putsch in Munich. The decision of the People's Court of Munich, District I, on April 1, 1924, established this as an act of high treason. According to this decision, the objective of the Putsch was:

The destruction of the Weimar Constitution and of the parliamentary system which it embodies. The driving out of the pacifist spirit. The destruction of the conditions brought about by the Revolution of 1918, especially of the governments set up and now operating as a result of this revolution. The gaining of freedom by a national effort.

In order to achieve these objectives, the campaign for the settlement of the German problem was to commence in Bavaria, a German Freedom Army was to be called up under a German government in Munich, and the fight was to be carried on all over Germany until the black-white-red Swastika Flag was hoisted over the Reichstag buildings in Berlin as a sign of the liberation of Greater Germany.

This court decision resulted in Hitler's being sentenced to five years' confinement in a fortress for high treason. Doctor Frick, present Thuringian Minister of the Interior, and Robert Wagner, now a National Socialist Deputy of the Bavarian Legislative Assembly, both played a decisive role in this Putsch at Munich, and each was sentenced to one year and three months' confinement in a fortress as accomplices in the crime of high treason. It is noteworthy that the bill of indictment against Frick likewise stated that an overt act of treason had been committed. It was not proved to the satisfaction of the court, however, that he had known of the decisions taken in the days from November 6 to November 8, 1923, regarding the carrying out of the Putsch of November 8, 1923, thereby committing an overt act of high treason. But the decision of the court definitely maintains that, at any rate, a number of facts lead to this assumption.

According to the decision of the People's Court of Munich, then, there are at least serious grounds for suspecting that Frick not only participated in, but was a willful accomplice and collaborator in the execution of the overt act of high treason promoted by Hitler.

* Second ed., 1930, p. 50.

b. DEVELOPMENT SINCE THE HITLER PUTSCH

After the failure of the 1923 Putsch, the NSDAP did not relax its efforts aimed at the violent overthrow of the government. After Hitler was released in the spring of 1925, there was an increase in the organizing and recruiting activities to rebuild the Party, accompanied by a revival of the dissemination of propaganda for a violent overthrow of the government.

aa. *Hitler's Testimony*

Since that time, Hitler, the Party Fuehrer, has generally refrained from publicly advocating the use of force, apparently for tactical reasons. Nevertheless, there are many indications that he is still determined on a violent course of action against the republican State. He set forth this course of action in his book, *Mein Kampf*, and even tried to put it into effect in November, 1923. Thus his statements made at a public meeting in Munich on February 27, 1925—

Loyalty to conviction, relentless fighting for the ideal, and the consciousness that when one wishes to achieve something, he is justified in using any method (*Voelkischer Kurier*, March 1-2, 1925, Nos. 58-59)—

and at the Party convention in Nuernberg from August 19 to 21, 1927—

Those to whom the heavens have granted the greatest energy have also been given the power of sovereignty—

clearly reflect that the NSDAP does not depend only on legal methods—that is, the obtaining of a majority of votes—in order to gain its power, but that it also contemplates other tactics in which, as a last resort, the *National Socialist* dictatorship will be boldly announced.

Hitler expresses himself even more clearly in a communication to the National Command of the "Stahlhelm," in which he states his position on the plebiscite planned by the "Stahlhelm" in the latter part of 1928. This plebiscite was intended to bring about a change in the Constitution of the Reich. The communication states:

Malignant conditions can hardly be done away with through the democratic method of a so-called people's plebiscite, when these conditions themselves are the inevitable result of democracy. *In my opinion a people's plebiscite for the re-establishment of an actual German National Government is sensible only if the new National Government is represented by a single force which already exists for all the nation to see and which has achieved general recognition by virtue of its own efforts.* In such a situation a plebiscite is therefore only a formal act which gives a superfluous democratic sanction to an existing authority of the State which has actually already been established. . . .

The collapse of 1918 was the inevitable end of a general and slowly progressing democratization; the effects of this collapse cannot be overcome by a struggle of democracy against democracy by democratic weapons. *There must be born in Germany a new determination of the State and a new governing authority embodied in a clearly defined political force.* It is possible that in order to establish its accord with the inner will of the nation, this new State authority will, on occasions, request a plebiscite. *However, it is impossible for the nation to initiate, hasten, or promote the process of building such a State authority through a plebiscite only. . . .*

Individuals who are born with the gift of ruling do not in any way need the preliminary coddling or sponsoring of parliamentarian or democratic institutions. But a man whom Providence—and it must be believed in in this situation as well—has destined to be a Fuehrer will never allow his actions to be dictated to him, nor have them restricted by the ridiculous jurisdictional limitations of a constitution, when the action prescribed by the constitution would lead to the downfall of the nation. . . . *If one adopts the opinion that by augmenting people's constitutional rights through a democratic procedure one can enable them to reshape the fate of nations, one only reveals how much one himself—perhaps entirely unconsciously—is already poisoned by democracy, and also how, because of the fear of the power of personality, he prefers to emphasize the significance of office. . . .*

I deem it extremely dangerous for young Germany to participate in such attempts at historical deception.

Therefore, as the leader of the National Socialist movement, I must, for basic reasons, decline to effect the correction of constitutional weaknesses of the present system through participation in the plebiscite which was proposed by the national leaders of the "Stahlhelm." Such an improvement would have no positive significance for the present and for the future of our people, but would endanger the continuation of the decisive battle."

Here Hitler sets forth in a cautious but nevertheless very definite manner that no connection exists between his conception of a State dictatorship and the democratic-republican Constitution—that the dictatorship he is striving to establish can never be brought about by "the majority vote of a people's plebiscite." And, further, that this plebiscite can, moreover, at best supply a formal supplementary proof of the people's confidence when "the new State Authority" is already represented "by a single force which already exists for all the nation to see and which has achieved general recognition by virtue of its own efforts," in contrast to having the majority make the decision. Hitler here unmistakably alludes to the manner in which Fascism gained power in the Italian State. He clearly expounds that a dictatorship is to be achieved by means of force, that a dictatorship, to speak in formal legal terms, should be "sovereign-dictatorial," and not (as set

forth in Article 48 of the Constitution of the German Reich) "constitutionally commissioned."

bb. Frick's Testimony

The same ideas are expressed by Doctor Frick who, next to Hitler, is the most influential representative of the NSDAP and who is at present the Thuringian Minister of the Interior, in an article entitled "Die Nationalsozialisten im Reichstag 1925/26" (The National Socialists in the Reichstag, 1925-26), which appeared in the *Nationalsozialistisches Jahrbuch* for 1927, pages 123-24:

There is no National Socialist and no racist who expects any kind of manly German deed from that gossip club on the Koenigsplatz⁴⁴ and who is not convinced of the *necessity for direct action by the unbroken will* of the German people to bring about their spiritual and physical liberation. But there is a long road ahead! *After the failure of November, 1923, there was no choice but to begin all over again* and to strive to bring about a change in the spirit and determination of the most valuable of our racial comrades, as the *indispensable prerequisite for the success of the coming fight for freedom*. Our activities in parliament must be evaluated as merely a part of this propaganda work.

Our participation in the parliament does not indicate a support, but rather an *undermining* of the parliamentary system. *It does not indicate that we renounce our anti-parliamentarian attitude*, but that we are fighting the enemy with his own weapons and that we are fighting for our National Socialist goals from the parliamentary platform.

At the Reich Party Convention of the NSDAP at Nuernberg in August, 1927, Frick declared:

The National Socialists long for the day when the well-known lieutenant with his ten men will put an inglorious but well-deserved end to this infernal sham (the parliament) and will open the way for a racial dictatorship.

And on October 18, 1929, at a National Socialist meeting in Pyritz, he stated:

This fateful struggle will first be taken up with the ballot, but this cannot continue indefinitely, for history has taught us that *in a battle, blood must be shed*, and iron broken. The ballot is the beginning of this fateful struggle. . . . Just as Mussolini exterminated the Marxists in Italy, so must we also succeed in accomplishing the same through *dictatorship and terror*.

Although in the latter half of 1929 the NSDAP daily expected the dissolution of the Party or of its auxiliary organizations, Doctor Frick expressed himself (though cautiously) as follows—in an article entitled "Die Nationalsozialisten im Reichstag 1928-29" (The National

⁴⁴ Reference is made to the German Reichstag, which convened in the Reichstag Building on the former Koenigsplatz.

Socialists in the Reichstag, 1928-29), which appeared in the *National-sozialistisches Jahrbuch* for 1930, page 178:

No wonder that as the situation of the entire German people, as well as that of the individual racial comrade, grows rapidly worse, increased numbers are realizing the incompetence of the parliamentary system, and no wonder that even some who are responsible for the present system *desperately cry for a dictatorship*. This, however, will not save them from their fate of *one day being called to account before a German State Tribunal*.

For some time, the threat of a National Socialist "State Tribunal" against the representatives of the Republic—in the event of the establishment of the Third Reich—has played a special role in the thoughts and utterances of National Socialist leaders. The Constitutions of the Reich (Article 59 of the Constitution of the Reich) and of the states already provide for the impeachment of cabinet members before a constitutional "State Tribunal." However, in their threats, the National Socialists do not refer to such a constitutional procedure, but rather to a different procedure, which according to the present situation is possible only through a violent overthrow—a typical phenomenon of successful revolutions. Therefore, to these National Socialist announcements of the establishment of a "State Tribunal," we must ascribe the clear and indisputable significance of an avowal of the principle of violent overthrow, which is the goal of the National Socialist Party.

In spite of their optimism, the National Socialists cannot count on winning the majority of the people within a reasonable time, thereby gaining legal validity for their ideology. Their cry for a dictatorship is the best proof that they themselves do not expect this to happen. They also very openly state that even as a minority, they wish to achieve their goal by force. This immediately excludes the legality of their action.

cc. Rosenberg's Testimony

The editor of the *Voelkischer Beobachter*, Alfred Rosenberg, likewise states in his brochure, "Wesen, Grundsätze und Ziele der NSDAP" (Character, Principles and Aims of the NSDAP), page 10, that the Party neither expects nor desires ever to constitute the majority of the people:

National Socialism openly confesses that it is a militant Party, never to constitute a numerical majority of the people.

dd. *Goebbels' Testimony*

Doctor Goebbels, the Reich Propaganda Leader of the NSDAP and Reichstag Member, openly and bluntly advocates the establishment of a dictatorship by force. At a conference of the Party in Munich on June 20, 1927, he declared, as part of his critical observations in regard to the Berlin meeting of the "Stahlhelm" in 1927, that if he were able to march into Berlin with 120,000 men, as the "Stahlhelm" had done, he would not promise, as had the leaders of the "Stahlhelm," to depart from the city peacefully. He said that he was certain that 120,000 National Socialists would not leave Berlin in the same condition in which they found it. According to a report of the *Voelkischer Beobachter* of July 14, 1927, he declared, as Gau Leader at the Brandenburg Gau Convention at Potsdam on July 10, 1927:

There is quite a difference between advertising a soap and fighting for race and freedom. . . . every youth in Berlin knows the NSDAP. It is very doubtful that this could have been accomplished by a cautious, insipid campaign, and it is even more doubtful that this propaganda would have converted a single Storm Trooper to the idea in such a degree that he would be willing to pay with his life. *A movement which is bent upon destroying an old State cannot tread softly in bedroom slippers.*

If we cannot make a city of four million love us, then let them hate us, for hate can turn into love. The man who risks his own life is morally justified in expecting great sacrifices.

On September 14, 1927, he stated in Duesseldorf:

All our strength must be applied to the shaping of the future State. *Nothing can be accomplished without arms*⁴⁵

Doctor Goebbels expressed his views on the objectives and paths of National Socialism in a more detailed form in his propaganda booklet *Der Nazi-Sozi* (first ed.), which was distributed by the publishing house of the *Nationalsozialistische Briefe*. In the chapter "Parlament und Parteien" (Parliament and Parties), page 15, he writes the following:

The others enter, chat, debate, vote, and collect their fees. But we act. We are creating a powerful group with which we can one day conquer this State, and then, with the power of the State, we shall relentlessly and brutally enforce our will and our program.

In the next chapter, under the heading "Diktatur und Staende-staat" (Dictatorship and Corporate State), page 16, he openly demands

⁴⁵ The problem of arms hidden by the Nazis will be one of the most difficult of the postwar period. It cannot be solved without an adequate intelligence force of the occupational power.

the right of the National Socialists as a minority to conquer the State by a dictatorship of force and to carry out their ideas:

History is replete with examples showing that a young and determined minority has always been able to overthrow the rule of a corrupt and disintegrated majority. Thus for a time they were able to control the State and its administrative forces, in order to *accomplish through a dictatorship of force*, motivated by a self-conscious responsibility, the conditions in the State which were necessary for the complete conquest and enforcement of the new ideas of the minority. *Thus it will be with us. Once we have conquered the State, the State is ours. . . . Then, by dictatorial force, we will reshape the State according to our principles.* Then the responsible minority will force its will on a lazy, incompetent, and stupid majority, behind which only the Jew hides in order to carry out his nefarious plans. And we shall know how to enforce the necessary measures to save the people.

We want to make the German nation free, nothing more. *If the German people do not approve of their being set free, then we shall do without their approval. . . .*

A large majority of the German people today have become so materialistic and so cowardly that they can be made happy only against their will—by force.

The chapter entitled "Der Wille zur Macht" (The Desire for Power), page 18, gives the following answer to the question as to how the State shall be conquered, inasmuch as the gaining of the majority vote for the National Socialist idea cannot be counted on and the movement is opposed by the State and all its powers:

What then? Then we shall set our teeth and get ready. *Then we shall march against the State. Then we shall risk everything for Germany, and revolutionism in word shall become revolutionism in deed. Then we shall make revolution!*

Then to the devil with parliament and we shall organize the State on the basis of the strength of German brain and German brawn. . . .

The determination for power creates the means to power. If the other side has arms, we, on the contrary, have that which it does not have: the desire for violence. This desire creates arms wherever they are needed.

The character of the statements discussed was recognized as treasonable and hostile to the State in that *Der Nazi-Sozi* was confiscated on January 30, 1928, by order of the Municipal Court of Elberfeld, in accordance with Section 86, StGB.⁴⁶ The proceedings instituted by the "Oberreichsanwalt" (Reich Attorney General) against Doctor Goebbels as the author of the booklet were discontinued on August 31, 1928, because of the Reich amnesty of July 14, 1928. In a second edition of the booklet the most incriminating passages were either omitted or modified. But it can in no way be concluded that the treasonable plans have been abandoned. Considering the gen-

⁴⁶ See Appendix A.

eral attitude of the Party, we must regard this as a temporary restraint which has evidently been adopted for tactical reasons—that is, in order to prevent the authorities from interfering with the further expansion of the movement, which feels that its hour has not yet come.

This is unquestionably evident from the further activity of Doctor Goebbels. According to *Die Deutsche Zeitung* of March 12, 1928, he stated at a meeting in Bernau in March, 1928—that is, while the charge of high treason was still pending against him:

Fate has destined us to build the anvil which will break the chains of slavery, and if necessary, we will do it *through a National Socialist revolution*.

And in No. 32 of the National Socialist weekly, *Der Angriff*, entitled “Revolutionaere Forderungen” (Revolutionary Demands) (August 6, 1928), he wrote:

What we demand is new, decisive, and radical—therefore, *in the deepest sense, revolutionary*. Its character has nothing to do with barrels and barricades. It is possible that it will come to that some day. . . .

Revolution is on the march. We demand.

Doctor Goebbels has since then continuously pursued this activity, aimed at the violent overthrow of the government. Thus he writes in his weekly, *Der Angriff*, No. 35 (September 2, 1929):

The referendum against Young acquires increased political significance, and it is now the special task of our movement to give it a decisively revolutionary character, over and above the purely practical purpose for which we believe some of his associated groups have adopted it. . . . Is it then any wonder that we wish to launch the fight against this madness, that we organize an armed revolt against this criminal system with all our strength, so that the cry of a tormented people may be heard! Away with this treason of German freedom! Raise the flags of resistance and of revolution! Clear the streets!

On September 27, 1929, in the Berlin Sportpalast, he declared:

The referendum is only the beginning. Today a referendum, tomorrow a national protest, *day after tomorrow a national revolution*. The Jewish journalistic canaille may well hide behind Hindenburg. They will be brought into the open. The revolution of 1918 was a Jewish revolution. Now the battle cry is: *From revolt to revolution, from disarmament to rearmament, from emasculation to new virility*, from ruin to a reconquest of our German nationalism.

Consequently, at the request of the Oberreichsanwalt (Reich Attorney General) of April 10, 1930, judicial investigation was instituted against him, on the grounds that since 1928 he had been guilty of repeated attempts at high treason, to bring about by violence a change

in the Constitution of the German Reich and of its states. This investigation is still pending.⁴⁷

ee. Testimony of Deputies, Subordinate Officers, and Lecturers

These remarks by the most influential leaders of the NSDAP are supplemented by innumerable statements in the press and at meetings by subordinate officers and lecturers. They, too, quite openly advocate the violent overthrow of the government, the propagation of a German revolution and the establishment of a dictatorship. In the 33rd of the *Nationalsozialistische Briefe*, dated February 1, 1927, the Silesian Gau leader Hellmuth Brueckner presents the following statement in an article entitled "Reform oder Revolution?" (Reform or Revolution?):

The slogans of 1924 are still valid. However, the uprising of the nationalist forces of that time was dispersed, and this by virtue of the ironclad laws. The Third Reich, as it is termed in the popular battlecry, will not develop from a reform but must be fought for and won through revolutionary actions. The leader is Hitler and no one else. Accordingly, the great German revolution must organize itself in those places where our people are still formally the people of the State, that is, in Austria and in the "Reich." The mission of Hitler was clear to those persons of vision, just as was the incompetence of the national leaders who did not dare to risk the step from reform to revolution, because of their inner impotence. Freedom and heaven cannot be won by half-heartedness. Reform is a half measure; *revolution is everything*. . . .

Therefore not every revolutionist of today is ready and willing to march in our ranks with us. The preachers of National Socialism must work on two fronts to propagate the clear-cut line of action and goal of the only possible means of liberation, and also to prevent those between the ages of twenty and thirty from joining the wrong side.

A disciplined organization, without which there is no striking power, and an increased propaganda must, in the year 1927, work together in desperate co-operation to prepare the field, to plow, and to sow. Let the storm rage on. The more the inflexibility of our inner politics is broken, the sooner the German spring approaches. Our revolutionary movement will take root only when our people break into action! Therefore our slogan "Into the State!" is not meant to obtain reform surreptitiously. *The people's rights are opposed to State's rights*. Hate for that which exists is the solution. Call our compatriots for the greater German Ruetli oath (Ruetlischwur).⁴⁸ *Admonish the exploited ones to overthrow*

⁴⁷ As a result of the nationalistic and partly National Socialist attitude of the Reich Attorney's office the cases against the National Socialists were never reached through. See also Document C.

⁴⁸ Ruetlischwur was the oath sworn in the year 1307 by the delegates of the original Swiss cantons who were fighting against the Hapsburg oppressors. This term is now used to refer to any solemn oath taken to fight the oppressors of free men.

the tyrants. Unite the fighting compatriots in a confession to the Fatherland. Then will socialism and nationalism become united as Adolf Hitler had intended. Reform cannot erect the house in which they are to dwell in life-long unity. Only the German revolution which Fate demands will bring about the realization of the Third Reich. Heil Hitler!

In No. 238 of the *Voelkischer Beobachter* (October 15, 1927), Wilhelm Weiss, in a review of the tactics of the German freedom movement, writes, after censuring the conduct of the Stahlhelm:

A State is not conquered by tightly clinging to it and worrying about the renovation of its façade, *but by proclaiming a fight against it and disarming its troops, either by open attack or by a planned political war of position.*

In a meeting of the Stuttgart Local Group of the NSDAP on May 1, 1928, Doctor Ley, member of the Prussian Legislative Assembly, stated:

If you wish to clear out the lies and falsehoods in this State, then put on the brown shirt as our youth have done, and as I have done. *Fight daily and, if it be necessary, in the barricades. This fight will be fought with machine guns, mines, and grenades.*

In a "Lehrbrief fuer Fuehrer" (Letter of Instruction for Leaders),⁴⁹ distributed by the Rhineland Gau of the NSDAP, 2nd year, No. V, d.d. Cologne, dated July 9, 1928, the following is stated regarding the realization of the Party goals:

To attain these goals, we accept any member. We fear no kind of social revolution if it demands the freedom of the nation (in accordance with the National Socialist conception).

In the same Letter of Instruction, outspoken propaganda is made for the abolition of the parliamentary-democratic form of government by a *National Socialist dictatorship.*

In the next Letter of Instruction, dated July 14, 1928, the following is advocated as a means for the *overthrow of the existing State:*

These are the landmarks of the new aristocracy of brain and brawn.

. . . . We have felt the *whip of the savage military marauders*, and at present we have no opportunity of achieving our rights but, instead, must appeal to our own passion, which will one day win a new future for us. The new aristocracy is founded on sacrifice and hatred. *Preserve discipline! It makes a battalion out of a few! Be fanatics!* If we are right—and our very blood convinces us that we are—*then all the others are wrong.*

⁴⁹ Secret "letters of instruction" were and will be one of the most important means of advising Nazi underground groups.

The final keynote of the leaders of the Uckermark Convention of the SA in Prenzlau on July 14-15, 1928, was in the form of an oath and contained this threatening note:

We know that another election will not take place, but that we, at a given time, shall win true national freedom for our Germany *by fighting in the barricades*, for it cannot be gained otherwise. . . . Under our beloved Fuehrer and war hero, and in accordance with our oath of allegiance to the flag, we shall man the barricades when he calls us, and we shall know how to win victory and how to die for him or with him.

The statement of the Westphalian Gau Leader Josef Wagner at a meeting of the Party in Hamburg on July 28, 1928, is also characteristic. In this the same fighting weapons are claimed for the National Socialists as are used by the revolutionary Communist Party.

On February 16, 1929, District Leader Terboven⁵⁰ of Essen declared at a National Socialist meeting in Kettwig:

We younger National Socialists have been handed down a disorganized and disintegrated Reich, and we wish to clean this pigsty. For this, we ask the support of the citizens. The present ministers will not relinquish their seats voluntarily. Therefore the resolute will to violence is necessary.

At a meeting in Plauen on May 1, 1929, Schlemm, leader of the Oberfranken Subdivision, member of the Bavarian Legislative Assembly and president of the National Socialist Teachers' Bund, said that the NSDAP would take to the streets because the old German Reich had been destroyed on the streets, and that therefore *the new German Reich must also be founded on the streets*.

In the 22nd issue of the *Nationalsozialistische Briefe*, Vol. 4 (May 15, 1929), Reinhold Muchow, chief of the Berlin Organizational Division, writes about the role of the Party in the political struggle for power (p. 368):

The coming *revolution* cannot and will not be anything but a *National Socialist* one. . . . Adolf Hitler does not leave us the least bit of uncertainty when he says: "*In this fight heads will roll in the sand*, either theirs or ours. Therefore we must see that it is the heads of others that roll."

In "Radikale Bauernbewegung" (Radical Peasant Movement), an article by Bodo Uhse in the June number of the *Nationalsozialistische Briefe* of 1929, the conscientious preparation of a revolution is emphasized in the following words:

⁵⁰ Josef Terboven, born May 23, 1898, in Essen, became Gau Leader and Oberpraesident (Provincial Governor) of the Rhine Province. After the invasion of Norway he became Nazi Commissar of Norway.

In the present hour, it is the task of National Socialism to make the peasant understand in his confusion that it is far less radical to ignite a charge of dynamite than to cut the roots of the system by calmly preparing the destruction of the present government. *We do not want a peasants' revolt that will be mowed down by Severing's machine guns,⁵¹ but what we want is a revolution of peasants not for the sake of the peasant, but for the sake of the people whose first pioneer, next to the worker, is the peasant.* In the present phase of the national revolutionary development in Germany, it is necessary to learn from the mistakes *that others have made*, and to make sure that in the preparation of the revolution, the united march of the peasants and of labor begins today.

In the official collection of organizational circulars published by the Gau Headquarters of Greater Berlin in October, 1929, there appears the following statement on page 11 under the title "Organisationssystem des Gau's Gross-Berlin" (Organizational System of the Greater Berlin Gau):

The Party, or rather its units, must be the school through which he [the National Socialist] must pass to obtain *practical training in the nature of the dictatorship*, so that he can begin the real work on the day that power is won.

On October 1, 1929, Reich Organizational Leader and Reichstag Deputy Gregor Strasser wrote in pamphlet No. 7 of Vol. 5 of the *Nationalsozialistische Briefe* (p. 106):

If there is talk now of an impending dissolution of the Reichstag, this too is only a symptom, and a new Reichstag or a new government would not yet be a solution; the only solution is "German Revolution!"

On October 7, 1929, National Socialist District leader Terboven of Essen announced in a meeting:

This weakness is especially known to Severing, who symbolizes the present State, and he intends to render a service to the State, which is breathing its last; but this too will no longer save the *present corrupt parliamentary system*. . . . But I give such a dictatorship only four weeks. Then the people will awaken, *then the National Socialists will come to power, and then there will not be enough lamp posts in Germany*. . . .

The Bolshevik government is sitting on a volcano, and the German government is in the same situation. The National Socialists will do everything to further this explosion. . . . When in the future we call the present representatives of the government to account, they will not be able to defend their actions as representatives of a parliamentary system. *They will have to answer with their heads to the German people, and particularly to the National Socialists, for their actions in the past.*

The National Socialists will march into the new Reichstag with thirty members; *then there will be black eyes every day in this Reichstag*; thus this corrupt

⁵¹ Refers to the machine guns of the German police forces.

parliamentarian system will be further discredited; *disorder and chaos* will set in, and then the National Socialists will judge the moment to have arrived in which they are to seize the political power.

The student Studentkowsky,⁵² who often appeared as a lecturer, declared in a National Socialist meeting in Essen on October 15, 1929:

In 1918 the German people saw a revolution which brought no relief to the working man *But soon a new revolution will come!*

On October 18, 1929, Reichstag deputy and present Thuringian Minister of the Interior Doctor Frick discussed the fight against the Young Plan in a meeting in Pyritz:

This fateful struggle will first be taken up with the ballot, but this cannot continue indefinitely, for history has taught us that *in a battle, blood must be shed, and iron broken. The ballot is the beginning of this fateful struggle.*

We are determined to promulgate by force that which we preach. Just as Mussolini exterminated the Marxists in Italy, so must we also *succeed in accomplishing the same through dictatorship and terror.*

On October 21, 1929, the Silesian Gau Leader Brueckner declared in a National Socialist assembly in the Schiesswerdersaal in Prenzlau, according to a report of the *Reichsbannerzeitung*, Vol. 45 (November 9, 1929):

The day will come when the National Socialist leaders will have a difficult time holding back their masses from doing that which the people would like to do. One does not know what may be the end of Mayor Mache. *The revolution will not materialize this winter, but within a few years. . . . If we do not succeed with the ballot, the fist will do it.*

On October 22, 1929, Gau Leader Telschow⁵³ stated in a meeting in Neuhaus/Elbe in regard to the Storm Troops:

The present State is no State. The NSDAP is taking up the fight against the present system and against the "Three Hundred" of the international capitalists who rule the world. . . .

We are fighting for you. If necessary, our brown-clad youth will risk their lives in this fight, and we will prosecute this struggle by all methods. In such a fight, there will be casualties; there will be new graves in our fight against the Jewish scum. Some mothers will perhaps lose their sons!

⁵² Werner Studentkowsky, born September 20, 1903, in Kiev, Russia, became Chief of the University Section of the Ministry of Education in Saxony after Hitler came to power. Since that time, he has been a member of the German Reichstag.

⁵³ Otto Telschow, born February 27, 1876, in Wittenberge, was an administrative official of the police administration in Hamburg from 1901 to 1924. He became a member of the Nazi Party in 1925, and after 1933 a Gau leader and Prussian State Councillor.

On November 10, 1929, Manfred von Killinger,⁵⁴ National Socialist member of the Saxon Legislative Assembly, stated in one of their meetings:

So, my dear Sirs, you want to challenge us National Socialists. Go ahead, and we shall gladly accept the challenge. But take care that some day we do not throw down the gauntlet to you and not, to quote Danton, in the form of a guillotined king's head, but we shall challenge you with the *cut-off heads of your highest politicians*.

It is even more strongly expressed in a leaflet prepared by the Sorau District (Nieder Lausitz) of the NSDAP distributed in January, 1930, in which the following statement is made:

We appeal to all German working people to rally against the democratic-parliamentarian seducers of the people: "Set up the German dictatorship!"

Rolf Becker of Adler & Falken, a youth organization closely allied with the NSDAP, says in a periodical of that organization, *Die Kommenden*, Vol. 2 (January 10, 1930):

We are convinced that this dispute must be settled by force of arms, for the international allied capitalistic bourgeoisie will not voluntarily retire in favor of the nation. They will not consent without opposition to the social changes which are necessary for the recovery of the people.⁵⁵

In a speech in the Sportpalast in Berlin on February 7, 1930, General Litzmann⁵⁶ stated:

The German youth must be inspired by the Brown Shirts (Storm Troopers), who, by day or night, are ready to sacrifice themselves for their idea.

. . . Let yourselves be filled with this spirit and then on to a new victorious "thrust."

According to an official report of the Hessian State Police, Legislative Assembly Member Koehler declared, at a National Socialist meeting in Fraenkisch-Grumbach on March 2, 1930:

⁵⁴ Manfred von Killinger, born July 14, 1886, a former Lieutenant-Captain in the German Navy. After World War I he became a commander in such military organizations as "Freikorps Ehrhardt," "Organisation Consul" ("OC"), and "Viking Bund." He was involved in several cases of murder of democratic statesmen, of sabotage against the occupational army, and of high treason against the Republic. However, the Reich Attorney General and the State attorneys failed to institute the energetic prosecution which their duty demanded. After Hitler came to power, Von Killinger became Prime Minister of Saxony, then German Consul General in San Francisco, later Hitler's Special Envoy to Rumania, where he committed suicide in 1944.

⁵⁵ One of the few early Nazi statements about armed action on an international scale.

⁵⁶ Karl Litzmann, deceased, born on January 22, 1850, was General of the Infantry, in World War I. He became one of the first followers of Hitler among the Prussian generals. His son, Karl Siegmund, became Reich Inspector of Training in Horseback Riding for the Storm Troops.

A change can be wrought only by an immediate overthrow of the government and the rise of a dictator who will save the people before it is too late. The National Socialists will try to start this overthrow soon

On April 27, 1930, the supplement to the newspapers published by Strasser's *Kampfverlag*⁵⁷ entitled "Im Braunhemd fuer SA und Hitler Jugend" (In the Brown Shirt for SA and Hitler Youth)—(cf. *Maerkischer Beobachter*, No. 55, April 27, 1930)—contains a poem "Aufstand" (Arise), which reads as follows:

A united cry:
We are enslaved!
Those who promised us freedom
Have today broken their promise!
We are enslaved!

We shall free ourselves!
We shall attack!
When you voted your "yes"
You forgot the people!
We shall attack!

A united cry:
Now only blood shall decide!
We shall attack! We are not alone!
Millions are thirsting to be avengers;
We demand your blood!

Accordingly, the NSDAP wishes to bring about the overthrow of existing conditions. It is repeatedly emphasized that this can be accomplished only through "a direct action by the unbroken power of the German people," the "racialists," "National Socialists," or "a German revolution," inasmuch as the Party, "though numerically a minority, is a militant Party." The German Nationalist or National Socialist "dictatorship" is constantly set up as a goal. In order to accomplish this, it is necessary to sweep aside parliament, that "infernal sham." The fight will be waged in every possible way, "by force" and, under any circumstances, "in the barricades," as "nothing can be accomplished without arms," and then the "responsible leaders will be called to account before the State Tribunal"; then will "heads roll in the sand," and "there will not be enough lamp posts" for the vengeance of the National Socialists. All this can be interpreted to mean only that the NSDAP has adopted as its program the violent overthrow of the government.

⁵⁷ Gregor Strasser owned a Nazi Party newspaper chain in which his brother Otto was active before his break with Hitler.

2. PREPARING THE VIOLENT OVERTHROW OF THE GOVERNMENT BY UNDERMINING AND ALARMING THE POLITICAL AND ECONOMIC PUBLIC LIFE

The NSDAP does not restrict itself to declaring and propagandizing its goal of a violent overthrow by revolution and the setting up of a dictatorship over a National Socialist "Third Reich." It is also making active preparations to realize its goals.

In order to put the masses in the right frame of mind for the planned overthrow of the government, the Party must create a mass revolutionary movement and, with the help of effective propaganda, arouse, stir up, and alarm the people. In his article "Idee und Organisation" (Idea and Organization) in the *Nationalsozialistisches Jahrbuch* of 1930, Otto Bangert declares on pages 159 ff.:

Thus the mission of National Socialism must begin by stirring up the masses by means of revolutionary propaganda. This must be followed at the critical moment by the seizure of power, which will in turn be succeeded by the erection of the Third Reich. Today National Socialism is still primarily in the first stages.

Helmut Brueckner, in an article entitled "Reform oder Revolution" (Reform or Revolution), in No. 33 of the *Nationalsozialistische Briefe* (February 1, 1927), prophesies as follows:

Therefore not every revolutionist of today is ready and willing to march in our ranks with us. The preachers of National Socialism must work on two fronts to propagate the clear-cut line of action and goal of the only possible means of liberation, and also to prevent those between the ages of twenty and thirty from joining the wrong side.

A disciplined organization, without which there is no striking power, and an increased propaganda must, in the year 1927, work together in desperate co-operation to prepare the field, to plow, and to sow. Let the storm rage on. The more the inflexibility of our inner politics is broken, the sooner the German spring approaches. Our revolutionary movement will take root only when our people break into action! Therefore our slogan "Into the State!" is not meant to obtain reform surreptitiously. The people's rights are opposed to the State's rights. Hate for that which exists is the solution. [See also, "Call our compatriots, etc."—quoted on pages 89-90.]

The objectives of this agitation of the masses by the National Socialists are quite openly discussed. Studentkowski, member of the Legislative Assembly of Saxony, declared on September 9, 1929, according to an official report of the Police Bureau of the State of Hessen, dated September 20, 1929:

Order and peace, as desired by the bourgeoisie, are emphatically rejected by

the Party, as they contend that their *main task* is to *stir up and alarm the masses!*

According to an official report of the Police Bureau of the State of Braunschweig, Reichstag Deputy Wagner stated in a lecture on the "Befreiungs-Politik oder Geldsackpatriotismus" (Policy of Liberation versus Money-Bag Patriotism), on July 9, 1930:

The NSDAP will not let the people rest in peace until they have obtained power.

The words of Storm Troop Leader von Pfeffer show us that to influence the masses is to be a necessary part of the preparation for the overthrow of the government:

All German National Socialists must set aside all daily struggles and steer their course towards the goal of the German Reich. *Even today a State within the non-State* must be formed, so that in the erection of a National Socialist Greater Germany, the inner form shall stand independent, unassailable, strong, and firm in every respect.

The endeavor of the NSDAP to disintegrate the whole economic and political life of Germany in order to prepare the ground for a violent overthrow appears most distinctly and clearly in an article by the deputy and Reich Organization Leader Gregor Strasser in No. 23 of the *Nationalsozialistische Briefe* (June, 1929), entitled "Katastrophenpolitik" (Catastrophic Policy):

Then *definitely, a revolution* against the existing system!—This, once and for all, defines our political attitude as well as the potentialities and extent of our political tactics: *everything that is detrimental to the existing order has our support*; everything which can be used to prolong the existing order which, according to our conception, is a deadly disorder, will be opposed by us.

Or, in other words, inasmuch as *we desire the catastrophe* towards which, according to our conviction, the liberalistic world is heading, we shall not interfere and shall even prevent, as far as we are able, anyone else's interference which could postpone this collapse. In short: *we are promoting catastrophic policies—for only catastrophe*, that is, the collapse of the liberal system, *will clear the way* for that new order which we call National Socialism.

To promote catastrophic policies does not mean to preach or engage in any kind of activity or passive rebellion against the State. Promoting catastrophic policies means much more—rather the hastening and support of the automatic self-destruction of liberalism! If, for instance, by exploiting the demagogue of the democratic system we prevent the balancing of the State budget, then this is catastrophic politics! If we expose the irresponsibility of parliamentarianism through motions and proposals which are irresponsible from the standpoint of the existing order and thereby lay it open to destruction, then this is a catastrophic policy! If we split open the tension of the lies, which exists between the inner

political promises and exterior political pressure of all parties, by systematically and consciously demanding that those promises be kept, then this is a catastrophic policy!

And we are and must be engaged in this type of catastrophic policy for the sake of that German revolution, the fulfillment and goal of which is National Socialism.

Let us always be conscious of this: *all that serves to precipitate the catastrophes of the ruling system—for instance, every strike, every governmental crisis, every disturbance of the power, every weakening of the system (such as the abolition of capital punishment, pacifism, etc.)—is good, very good for us and our German revolution.*^{57a}

According to a report in the *Voelkischer Beobachter* of July 17, 1927, Doctor Goebbels expressed the same idea in the Brandenburger Gautag (Brandenburg Gau Convention) of the NSDAP in Potsdam on July 14, 1927:

A revolutionary movement has but one thing to do: *to disrupt*, as our present "rulers" once did.

3. DISRUPTION OF THE STATE'S MEANS OF CONTROL

In view of the circumstances, the NSDAP must, in its efforts to overthrow the government by violence, expect to encounter the resistance of the State, which will call out the Reichswehr^{57b} and the police^{57c} against it. The NSDAP, therefore, has an obvious interest in disrupting these two forces of control, according to the Communist example, in order to eliminate them as opponents in the planned overthrow, or at least to weaken them as much as possible.

a. "REICHSWEHR"⁵⁸

The hope that the Reichswehr in particular—with whose co-operation the NSDAP had developed its plan for the Munich Putsch and whose future co-operation it thought it could expect—would, at a given moment, neglect its duty of protecting the State, even against the National Socialists, has constantly dwindled as the political situation has become consolidated. This consolidation was the result of the Reichstag election of 1928, in which the Social Democrats became cabinet members and the Social Democratic Party, with its military program, officially and unmistakably took a positive attitude toward

^{57a} Similar tactics were used by the Nazis in undermining foreign governments.

^{57b} Reichswehr, the 100,000-man army of professional soldiers created under the provisions of the Versailles Treaty.

^{57c} Refers to the State-administered or State-supervised pre-Hitler German police forces of about 175,000 men, partly barracked.

⁵⁸ See also Documents D1, D2, and D3.

the problem of the Reichswehr and the national defense.⁵⁹ Hitler opened the fight for the Reichswehr with a large public mass meeting on March 15, 1929, in Munich,* where he discussed the subject "Nationalsozialismus und Wehrmacht" (National Socialism and the Armed Forces). In this speech, he said:

For us National Socialists, the Reichswehr is not only a militia, or an army recruited from the people, or a standing army; it is also a means to an end. We National Socialists must reject any concept which sees in one of these institutions an end in itself. Our viewpoint will never be "Is this advantageous to the Reichswehr?" or perhaps, "Is this advantageous to the standing army?" but we will always consider these problems from the standpoint: "Is this advantageous to our people?" (Shouts of approval.)

I expressly use the phrase, "Is it advantageous to our people?" because the concept "Volk" is more important to us National Socialists than the concept "State." (Vigorous shouts of approval.) For all of these institutions, including the States or the Army, are not ends in and of themselves, and cannot be. It is possible that a State may become so lazy and decayed that it is only in the interest of the people that it be eliminated. (Storm of approval.)

Here the idea is openly expressed that, according to the National Socialist conception, the Reichswehr must be regarded not as the servant of the State, but as the servant of the people, who may possibly be in opposition to the State. And in the last sentence, Hitler leaves no doubt that he considers it as "service for the people" and thus also as a duty of the Army to eliminate this "lazy and decayed State"; the apparent conditional form of this statement is only a rhetorical trick. The fact that the audience received these particular statements with loud applause proves that they thoroughly understood that Hitler was covertly challenging the Reichswehr to refuse obedience to the State power, and demanding that it march against the State. Here is also expressed the conviction, characteristic of every revolutionary movement, that it has the higher right of the people on its side against the right of the State, a conviction without which no revolutionary movement could exist, but which, on the other hand, no State which does not capitulate can tolerate. How "rotten" this State is is elabor-

* See special edition of the *Voelkischer Beobachter* of March 26, 1928, on the Reichswehr.

⁵⁹ The Social Democratic Party was always divided in its policy toward the Reichswehr. The close political ties between high-ranking Reichswehr officers and the anti-democratic forces of Germany were one of the main reasons why many Social Democrats strongly suspected the Reichswehr. On the other hand, the National Socialists decried the Reichswehr because in 1928 some powerful officers in the Reichswehr Ministry tried primarily to strengthen their own political influence and not that of the nationalist or National Socialist groups.

ated upon by Hitler in the following remarks, in order to show that the time for a secession of the Wehrmacht is not so remote at all:

In recent times the "politicians" have become a special guild (laughter in the audience) which is chosen from the body of the people annually, or, at the most, every four years by a special process of selection. (Excessive laughter and applause.)

Soldiers and officers are trained—that is, they receive a specialized training for their profession in order to insure the continued existence of a nation. But "politicians" are elected, not by those who know the least thing about this matter but rather by those who could not have been elected themselves, as they know nothing about it. (Loud applause.) For no one wishes to maintain that all German men and women would be capable of governing a people, but one does maintain that they are capable of electing those who can govern the people. That is, the great prophetic vision through which the nation recognizes the great spirits lies in the ballot of the voters. This is the most wonderful process that there is. No one can question that the fate of the greatest men is inscribed in the book of Providence. But today, more than ever, one must not doubt that just that part of humanity which possesses no ability will, especially through the ballot, choose those whom fate has predestined for office. (Loud peals of laughter and applause.)

After Hitler has thus expressed the difference between democracy, which is incapable of true leadership, and the authoritarian conception of the army, which, in his opinion, alone guarantees a virile leadership, he asks a purely rhetorical question of the Reichswehr:

Do you wish to drag the army down to the level of the politicians, or do you not wish to do away with the present low political morals, so that they may again be raised to the standard of the army? (Loud applause.)

In this question Hitler obviously demands the elimination of democracy as the basis of the present State and its policy, and the disobedience of the Reichswehr to its political superiors.⁶⁰

In support of his thesis, there follows a discussion in which it is pointed out that today the army has already been estranged from its real political task by democracy:

We have before us the phenomenon of militarism when an organization no longer maintains a vital, inner, and rational contact with its actual purpose, but, instead, becomes an end in itself. *Such an organization places itself at the disposal of any government as a dead mechanism and permits this government to play havoc with the people as long as its own existence as mechanism is guaranteed. An organization completely dead inside and out, and one which has severed all connection with life, is used as an instrument of power by any and all who are willing to preserve this instrument of power for its own sake. (Loud applause.)*

⁶⁰ The Reichswehr Minister was a member of the cabinet.

Then one thing must be said: the old German Reich had very little of *militarism*, as it had to a great extent united this instrument with our people—indeed, it was the best school for them, the best institution for the disciplinary education of our people.⁶¹ *But today our military organization has much more nearly approached the conception of militarism.*

The army is then openly urged to do away with this state of affairs:

Even here the army has a political mission to fulfill, namely, that of not participating in party politics, but, instead, of helping to destroy the muddle and pestilence of party politics

And in order to explain the steps the army ought to take, in the opinion of the National Socialists, the following is said:

If, for instance, they had been filled with the National Socialist ideology and had acted accordingly, Germany would never have found herself in this swamp of party politics and parliamentarianism. *The Italian army, which embraced the cause of Fascism, was thereby able to save Italy.*

This also contains a rhetorically disguised challenge, in which the Reichswehr is asked not only to refuse obedience to the political authorities if the government is overthrown as planned by the NSDAP but also to place itself at the head of the revolution.

In lengthy remarks, Hitler then insists that Germany's salvation lies solely in a dictatorship, for only thereby can that hegemony of Europe which is absolutely necessary for the freedom of the German people be obtained. After presenting a criticism of Marxism, he asserts that the army cannot stand on the side of democracy, which is dominated by Marxists.

He fires at the Marxists for wanting the army separated from politics:

Naturally, politics and the army must be separated, completely separated. That is, politics can be played by scoundrels, but at the head of the army there must be completely unpolitical figures. Then only can you be sure that the scoundrels govern a people complacently; then the scoundrels have the official instruments of power on their side, and then their party politics can completely ruin the nation. Unpolitical officers and hard-boiled politicians as representatives of a nation! That is the quickest way to reach the goal which the Jew has set up for himself.

The following are explanations of why the honor of an officer does not permit him to collaborate with the Marxists, that is, with the democratic powers:

⁶¹ Under the Imperial regime, Germany had compulsory military service. This was abolished after World War I but reintroduced by the Nazis on March 16, 1935.

Who once destroyed the old Reich? This is a question of conscience which I am convinced an honorable officer cannot answer other than truthfully. Who destroyed it? Marxism. And today the people believe that they can share the government with it! Believe me, it is terrible when the honor of an officer is no longer identical with the highest conception of honor. (Loud applause.) We are no officers. I was only an ordinary musketeer, but I have made no reconciliation, no compromise with the traitors and annihilators of the Fatherland. (Very loud applause.) *We do not wish to reconcile ourselves with them, and we do not wish to have a part in their government; we only want to fulfill the mission for history, the mission that must be fulfilled: namely, that every evil deed must some day be atoned for. As soon as an officer can be made to waver in this or if he even believes that he can take up a middle course with the annihilators of the Fatherland who have been unmasked and revealed to him a thousand times, he deviates from his standards.* In that moment he degrades himself, and at that very moment something which formerly appeared nearly as unshakable as granite crumbles down, and in that very moment he loses the nimbus which he had before. He will then become ripe to participate in parliamentary dinners, seasoned to be addressed by diplomats, and perhaps ripe enough to receive an invitation from a Soviet ambassador. Yes, but the more he participates in such honor, the more he estranges himself from the heart of his people, who alone can give him strength and who alone can protect and cover him. The people alone can give him those who will serve him in an emergency in order that he may fulfill that which he is called to fulfill.

This again contains a hidden challenge to refuse obedience to the political power, insofar as it is represented by Marxists. In reviewing the part which the Free Corps⁶² should have played in 1919 and the manner in which Fascism acted in Italy in October, 1922—it appears in this speech for the second time—Hitler advocates that this resistance be made active and end in a military revolt:

Had the Free Corps not been unpolitical in 1919, but rather had they consciously promoted nationalistic politics, Germany would not find itself in the situation in which it is today. Then those who risked their lives could have taken the fate of the Reich into their own hands, and they would have been the people's representatives, and not those who appointed themselves to this position. A representative of the people, in my eyes, is he who fulfills the highest duties of a nation—that is, he who risks his life, and not he who sells out his nation at home. (Loud applause.) Even at that time they did not have a political idea, but that which the Free Corps did not have, the political commanders possessed. They had a political

⁶² Free Corps (Freikorps) developed after the official dissolution of the German Army after World War I. Such Free Corps consisted mostly of the nationalistic younger Army officers and men. They were tolerated by certain branches of the government of the former Republic, especially by the Reichswehr. The Free Corps became the nucleus of the National Socialist para-military organizations: the Storm Troops and the Elite Guards. Speaking about the "unpolitical" attitude of the Free Corps in 1919, Hitler expresses his discontent that the Free Corps did not merge into his SA and SS units at an earlier date.

idea and developed it into appropriate form. Again, thousands of young Germans had died for this dirty party libel, but their death only helped to establish that regime of incapability which surrounds us now.

We are thus faced with the fact that in a time when our people had an organized army of 100,000 men, the inner political development sank to a new catastrophic low

No one can proclaim himself innocent. *There is no army which is only an end in itself, but rather the task of an army is service to the nation* Naturally, a war cannot be waged outside the borders with 100,000 men, *but the nation can develop such an army to a degree which will again restore its power sufficiently to fight for its destiny.* You say that we are here only to maintain peace and order. I ask you, is that peace which you are protecting? Do you call that order which you are defending? History will one day have another name for it.

There is another State in which the army had a different conception of these exigencies. That was in the State where in October, 1922, a group made ready to take the reins of the State out of the hands of the gangsters, *and the Italian army did not say, "Our only job is to protect peace and order."* Instead, they said, *"It is our task to preserve the future for the Italian people."* (Loud applause.) And the future does not lie with the parties of destruction, but rather with the parties who carry in themselves the strength of the people who are prepared and who wish to bind themselves to this army, in order to aid this army some day in defending the interests of the people. In contrast, we still see the officers of our Reichswehr belatedly tormenting themselves with the question as to how far one can go along with Social Democracy. But my dear Sirs, do you really believe that you have anything in common with a world ideology which stipulates the dissolution of all that which is the basis of the existence of an army?

You first need a people which is healthy. *You, as officers, cannot maintain that you do not care about the fate of the nation: whether it is poisoned or overrun with disease, or whether it believes in God or not, whether it has an ideal or not; or that it is immaterial to you whether children are born or not.* That you cannot say. You need all of those things; otherwise, all your actions are only superficial and feigned.

Hitler thus turns directly to the officers and asks them for a decision in the following words:

You can . . . *not say either that it is immaterial to you whether we ultimately have a democracy or not.* Gentlemen, either laws are correct or they are not. Imagine introducing democracy into your ranks!

And then he states clearly that democracy and soldierdom are diametrically opposed to each other, and gives the officers an alternative:

Either you have a healthy State with a really valuable military organization, which means the destruction of Marxism, or you have a flourishing Marxist State, which means the annihilation of the military organization capable of serving the highest purposes.

One must realize that the National Socialists place Marxism and democracy on the same level, so that to them the fight against Marxism is the same as the fight against democracy, and that the challenge to the officers to destroy Marxism also contained the challenge to destroy democracy. In addition to this, at the time that Hitler made this speech the Social Democrats were represented in the cabinet of the Reich, and the principles of the Reich policy were formulated by a Social Democratic chancellor. The challenge to the army to destroy Marxism—in addition to the above statements that only a dictatorship can help, the condemnation of the unpolitical conduct of the Free Corps in 1919, and the reference to the march of the Fascists on Rome—can therefore be interpreted only as a demand for similar action, that is, the violent overthrow of the government in co-operation with the National Socialists. The following statements in the speech, also, which are definitely directed to the officers, can be understood only as a challenge to refuse obedience and to support an active struggle against democracy:

The Reichswehr generals may well keep in mind the following:

The victory of one course or the other lies partially in the hands of the Army—that is, the victory of the Marxists or of our side. It is necessary that one be able to visualize the consequences clearly. Should the leftists win out through your wonderful unpolitical attitude, you may write over the German Reichswehr, "The end of the German Reichswehr." For then, gentlemen, you must definitely become political, then the red cap of the Jacobins will be drawn over your heads, and then you will have to make haste to adjust yourselves quickly to the new state of affairs. Then you will become commanders of an organization which has nothing more to do with the German people, and then a troop will arise which is similar to the Russian army of hangmen and has only one task: to subjugate their own people to the Jews. Then you will be renouncing the happiness of a rebirth of our people and the glory of the Reichswehr, which is the continuation of the glory of the old army.

If the leftists win out, you may at the same time bury the future of the German people. But do not forget one thing: that Germany could not stand up under as much hunger as Russia, that great agrarian territory, was able to bear. And do not forget that world history continues to roll on, and that it will not stop for Germany because you have at last acquired a democratic-Marxist army. On the contrary, the hour will come in which the fate of our nation will be realized. These are the prospects that you will have in the event of a democratic victory. And do not delude yourselves into thinking that they will suddenly have a change of heart. *You may then become hangmen of the regime and political commissars, and if you do not behave, your wife and child will be put behind locked bars. And if you still do not behave, you will be thrown out and perhaps stood*

up against the wall, for a human life counts little to those who are out to destroy a people.

Even from the contents of Hitler's speech, it is clearly seen that here he is not dealing with a purely theoretical discussion of military questions, but rather with the express intention to win the Reichswehr over to the National Socialist ideas—that is, to divest them of their quality as one of the reliable instruments in the hands of the constitutional representatives of the Reich⁶³ and, beyond that, to urge them to take an active part against the democratic power of the Reich in the event of the overthrow of the government as planned by the NSDAP. This purpose is stressed by the fact that, in spite of its great length, Hitler's speech was published verbatim as a special Reichswehr issue of the *Voelkischer Beobachter*, to serve as propaganda material within the army circles.

Continuing the activity aimed at the disruption of the Reichswehr, Adolf Hitler, in Pamphlet No. 3 of the National Socialist monthly entitled *Deutscher Wehrgeist* (German Military Spirit), page 101, discusses the military problems as follows:

In reality, the German Reichswehr alienates itself from the traditions of this glory from year to year in the same manner as it stops being a representative of the consciously and definitely national concept. *The more it kills the aggressive nationalistic spirit within its own ranks and alienates the representatives of that spirit in order to give positions to the democrats or even ordinary careerists, the more it becomes alienated from the real German people.* For the sly gentlemen in the present Reichswehr Ministry should not imagine that they can gain "Anschluss an das Volk" (Access to the People) by concessions to the Marxian-pacifist-democratic faction of our people.⁶⁴ Every military organization is of itself hateful to this faction of the German people, as long as it has to do with warlike purposes and does not serve as a watchman for international financiers. *The only faction with which an army of military value and significance can maintain a spiritual relationship is that consciously national nucleus of a people which not merely out of tradition thinks militarily, but which, rather out of a national love, conviction, and enthusiasm, is always ready to don the soldier's uniform in order to protect the honor and freedom of its people.* It is necessary that a military body keep up the spiritual relationship with those from whom it can draw replacements in the

⁶³ The point of reliability was overemphasized in this police report in order not to offend the Reichswehr, another branch of the government. However, the subversive activities going on in the Reichswehr were known to the internal security system.

⁶⁴ Referring to the late General von Schleicher, a political intriguer. He tried to form his own political machine through a political coalition between the Army, the Socialist wing of the Nazis under Gregor Strasser, and certain Trade Union leaders. Schleicher and Strasser were murdered in Hitler's blood purge of June 30, 1934.

hour of emergency, and not with those who at every opportunity, because of their inner spiritual attitude, reject and ultimately betray it. Therefore the present leaders of the so-called Reichswehr may act as democratically as they please, but through this they will never gain a close connection with the German people, as the people suited for such a relationship are not to be found in the ranks of democracy. By not opposing, but rather by recommending the dismissal of consciously and emphatically national-minded officers and leaders, the former Chief of the German Reichswehr, General von Seeckt,⁶⁵ has finally created an organization which ousted him with little remorse!

Since the retirement of Von Seeckt, the democratic-pacifist influence has worked untiringly to make of the German Reichswehr a thing which the parliamentary lords of the present State envision as the most desirable ideal: a republican-democratic guard for parliament!

With such an instrument one can hold down only his own nation, and cannot carry out any worthwhile policy abroad.

The efforts of the NSDAP to weaken the discipline in the army, thus disrupting the military power machine of the republican German State, is even more evident in the statements of Wilhelm Weiss in the same pamphlet (p. 137) in a treatise "General Groener," where he says:

In article No. 1—of the "Berufspflichten des deutschen Soldaten" (Professional Duties of the German Soldier)—we read:

"The German Reich is a Republic. *A soldier swears allegiance to its Constitution.* Unswerving loyalty to the Fatherland is the soldier's noblest duty."

Article No. 2 reads:

"*The Reichswehr serves the State, not the parties.* Political activity is forbidden to soldiers."

In article No. 1 the soldier swears allegiance to the "*Constitution*"; that is, he swears allegiance to something abstract, *the product of a majority decision in parliament*, which might again be changed at any time by a majority decision. And this decision is made by political parties *in which, according to article No. 2, the soldier is not allowed to participate.* The Reichswehr soldier must, therefore, be prepared to risk his life unreservedly for any constitution (the latter according to article No. 3). What is written in the constitution is not to concern him, for that is stipulated by the majority of the parliament (red and black pacifists!).⁶⁶

⁶⁵ The late Hans von Seeckt, born April 22, 1868, was a Colonel General in the First World War and organized the new 100,000-man Reichswehr as a cadre army. From 1920 to 1926 he was chief of the German Armed Forces. That year he was forced to resign after I revealed publicly that he had unlawfully accepted the son of the German Crown Prince as a member of the Reichswehr for temporary training as a German officer. Such temporary trainings were violation of the Treaty of Versailles and part of the secret rearmament which started immediately after World War I.

⁶⁶ "Red pacifists" refers to the Social Democratic Party. "Black pacifists" refers to the Catholic (Centrist) Party (Zentrum).

Thus the oath of allegiance of the Reichswehr soldier becomes an absurd demand on the soldier, to say the least. He swears to risk his life for a matter of which he knows nothing and which does not concern him. He swears to let himself be killed for any whimsical decision of the majority made by more or less anti-military parliamentarians.

Here, in camouflaged but unmistakable form—this form which has become definitely characteristic of the NSDAP—the statements are directed at the Reichswehr soldier, challenging him to break the oath of allegiance which “represents an absurd demand.” In its issue of August 27, 1930, the *Voelkischer Beobachter* shows the same purpose—that is, to disrupt the Reichswehr. There, in an article entitled “Das Reich finanziert die Hetze gegen die Reichswehr” (The Reich Finances the Agitation against the Reichswehr), it is stated:

Could there be a better illustration of the judicial comedy which, at the behest of Groener and his political friends, is soon to be played before the Reich Supreme Court in Leipzig against the three young officers who . . . probably *had every reason* to doubt the serious military intentions of their highest officers?

We for our part shall not leave anything undone to see that this newest scandal about Mr. Groener, who is at present eating his wedding feast, becomes known to everybody whom it concerns and who has an interest in learning by whom and with whose help they are continuously spited and slandered. It is a fine State which helps to ridicule those who some day may have to risk their heads for it, and let themselves be killed!

The same issue also contains the following in regard to the Ulm Reichswehr officers who are being tried for high treason:

Their crime is supposed to have consisted of the nationalization of the Reichswehr. That is indeed terrible, considering the present system, where the Reichswehr Ministry distributes gold watches as denunciation premiums.

But the time will come when the *government of the office generals* will be terminated.

Even some time previously the contents of a secret circular of the Party regarding the setting up of cells within the Reichswehr had become known. According to this, the local groups of the NSDAP are instructed to ascertain the identity of former Storm Troopers and Party members who are now serving in the Reichswehr. The local groups are further instructed to determine where these persons are stationed, and to inform the Gau directorate of their addresses. Gau headquarters are to have been instructed to approach former Party members by writing friendly letters to them, or by sending them packages, and to forward their replies immediately to the Party headquarters in Munich for special evaluation.

National Socialist printed matter aimed at the disruption of the Reichswehr was first thrown into barracks in March, 1930, at Munich and Wuerzburg. In Wuerzburg the above-quoted special Reichswehr issue of the *Voelkischer Beobachter* was discovered, and in Munich a leaflet called "Groeners Schnueffelkommission" (Groener's Spying Commission) was distributed.

The trial of the Ulm officers Scheringer, Ludin, and Wendt⁶⁷ ($\frac{12 \text{ J } 10.30}{25}$) has already revealed the effects of this actual subversive practice. According to the investigation, there existed a group of Reichswehr officers who were working to establish a firm organization with the purpose of delivering the Reichswehr into the hands of the National Socialists. The defendants, Scheringer and Ludin, had a conference with Captain von Pfeffer (ret.) and Captain Doctor Wagner (ret.), with the result that the two defendants were to try to win the Officers' Corps over to the National Socialist idea. The goal they had set was to work in such a manner that if the National Socialists made an attempt to overthrow the government—which the defendants expected within a short time—the officers and troops would join the revolutionary movement and under no condition would they open fire on the National Socialists or National Socialist organizations. They found a willing collaborator in the defendant Wendt. The defendants made several trips in order to win over to their cause officer friends whom they considered suited to their purposes. As these officers, however, were not willing to enter into the plans of the defendants but, instead, reported them, the subversive activities of the defendants were brought to an end. It has been established through testimony that it was planned to form an organization within the Reichswehr and that, for the time being, trusted representatives and functionaries were to be placed in the various Reichswehr units. From the testimony, it

⁶⁷ The three Reichswehr officers—Richard Scheringer (born September 13, 1904), Hans Ludin (born June 10, 1905), recently a general of the SA Storm Troopers (at that time both were lieutenants in Ulm), and First Lieutenant (ret.) Hans Friedrich Wendt (born December 5, 1903)—were sentenced by the Reich Supreme Court (Reichsgericht) to 18 months' confinement in a fortress for preparation of high treason. Sentence was pronounced on October 4, 1930 (file 12 J. 10/1930 XII H. 41/30) and was published by the writer in *Die Justiz* (Justice), Vol. 6, in January, 1931. During the trial Adolf Hitler testified under oath that the term "revolution" used by him meant only spiritual revolution in Germany, and that the heads which would "roll in the sand" would do so as the result of a legal procedure by a State Tribunal if the National Socialists came to power. I attended the trial as an official observer of the Prussian State administration. In my report I suggested the arrest of Hitler for perjury. See Document D1.

is to be concluded that the officers who were to participate in this propaganda were to be reimbursed for traveling expenses and that the NSDAP supplied the defendants with the money for these expenses.

b. POLICE⁶⁸

The NSDAP has recently initiated a similar activity of undermining within the uniformed police.⁶⁹ An article in the *Voelkischer Beobachter*, No. 13 (June, 1930), serves this purpose. Under the title "Die Schupo und Wir" (The Uniformed Police and We), the article discusses the alleged fact that, in the election of Berlin's City Council in November, 1929, 222 out of 4300 police officials voted the National Socialist ticket in six different voting districts of Berlin. The article states:

These voting policemen are no day dreamers, but politically active men, and from this we may conclude that, *if there is an emergency, they will carry with them part of their comrades against Zoergiebel⁷⁰ and the Weimar system*

. . . This is all the more comprehensible among the Berlin policemen, as the anti-national and degenerate police methods have by now utterly nauseated every decent man who wears the police uniform.

. . . Zoergiebel and his cohorts are going to experience still other surprises as the result of the vote of the Berlin police, which pleases us very much, for we are aware that the liberation of Germany will be carried out not against but with the armed force. (We hope you are listening, Mr. Groener.)

. . . We are not turning against the individual police officials, but against the Weimar system, which has commanded them to perform the services of thugs for the parasites of the people, and thereby drags their honor as human beings into the dirt.

Here again we have in a disguised form the challenge to the police officials to refuse obedience to their superiors. In addition, Hitler openly expressed this in a meeting in Gotha in May, 1930:

On a small scale, we are today ready to meet the left wing if it takes to the street, and in such a moment we have only one hope: that the police will let us have the freedom of the streets!

This clearly means that the NSDAP is trying to provoke a violent collision with the leftist parties which are willing to oppose an overthrow, and wants to assure itself of the neutrality of the police in such an eventuality.

⁶⁸ See also Documents D1, D2, and D3.

⁶⁹ Refers to the uniformed police forces of the individual German States, especially to the uniformed police of Prussia, the so-called Schutzpolizei, abbreviated Schupo.

⁷⁰ Karl Zoergiebel, a Social Democratic trade unionist, was Police President of Berlin from October, 1926, to November, 1930.

Individual acts of propaganda within the police closely resemble the communist procedure. According to official information from the Oldenburg government, all officers in the police force received National Socialist printed matter. A National Socialist in Luebeck recently admitted that he mailed National Socialist literature to police officials. The Hessian Police Department in Darmstadt, in a communication of June, 1930, considers it strange that already "police officers have also accepted the teachings of Hitler."

Taking into account the context, we can still recognize clearly the purpose of arousing discontent as well as hostile feelings against their superiors among the Reichswehr soldiers and police officials, so that, in the event of an armed conflict, the government instruments of power would not fulfill their duties toward the constitutional government.* This subversive activity is also highly adaptable to making the police officers and Reichswehr soldiers useless in regard to the fulfillment of those assignments which concern the defense of the constitutional form of government. How significant the success of such an activity is for the existence of the constitutional form of government, as well as for the prospects of the NSDAP when it attempts to carry out its plans for a violent overthrow of the government, needs no further discussion. We also have practical proof of the danger of this undermining activity through the regrettable occurrences in the Reichswehr at Ulm.

4. THE CREATION OF PRIVATE REVOLUTIONARY TROOPS (SA—STORM TROOPERS, AND SS—ELITE GUARDS)

a. PURPOSE AND TASKS

The NSDAP is not content with the propagandistic preparation of the violent overthrow of the government and of the destruction of the government's means of control. In order to accomplish its revolutionary objectives, it has already created in its Storm Troops (SA) and Elite Guards (SS) a uniformed and well-disciplined military organization.⁷¹ Hitler himself even spoke of the organization of a large

* Cf. decision of the Reichsgericht (Reich Supreme Court)—Ferienstat, July 25, 1928, as well as RG IV Feb. 21, 1929 of Jan. 3, 1929 and of 13 J. 38/1928
May 16, 1930 13 J. 204/1928, 13 J. 118/1928

13 J. 38/1930

⁷¹ The SS Elite Guards, under Heinrich Himmler, were combined with Himmler's police apparatus in 1936. The combined organization took over full control of the German administration on August 24, 1943, when Himmler became Reich Commissioner General of the Administration and Reich

national army during the District Meeting of the Party in Munich in the fall of 1926, and expressed the hope that the SA and SS would soon attain a membership of one million, and that that would be the signal for the desired national liberation. Since then, the purpose of the SA and of the SS as a revolutionary army has been more and more clearly expressed. On October 13, 1928, Von Pfeffer, at the time the Supreme Leader of the SA, writes to a subordinate officer in Cologne:

We are of the opinion that the SA, as the nucleus of the future German army, must be so trained and organized that even today, slowly but surely, a State is formed within the non-State, so that when the National Socialist Greater Germany is created the internal structure will already exist, determined and strong, invincible in every respect. One might still dispute about the external form and the tactics which are to be applied and which depend mainly on the particular conditions of time, or, even more important, of place.

He addresses the same person on November 28, 1928, as follows:

The SA⁷² is the militant force of the movement—it is the personification of the will to power of a political organization. . . . As our SA is the expression of a party machine's politically organized will to power which wishes—not with words, but with actions—to accomplish the national and social liberation of the German people, the concept of comradeship in its ranks takes on an entirely different meaning from that in the so-called military and veteran organizations. . . .

The comradeship in the SA formations *must, therefore, become such a solid structure that all police bans or other underhand methods will recoil from its granite wall.*

In Cologne on May 23, 1929, Colonel Langendorf wrote to his subordinate SA leaders:

The first task of the SA is the fight for the State, the struggle for power.

Lieutenant Colonel von Ulrich⁷³ (ret.), then acting Supreme Deputy SA Leader of the Western Region, and at present Inspector General of the SA, expresses himself similarly in two orders of July 22 and July 27, 1929, to the colonel of the Storm Troops of the Rhine-land Gau. On July 22 he says:

Minister of the Interior. They gained control also of the Army when Himmer became commander of the Home Army on July 20, 1944.

⁷² After the assassination of Ernst Roehm, SA Chief of Staff, by Hitler on June 30, 1934, the political significance of the SA was sharply reduced in favor of the SS Elite Guards. It appears, however, that the influence of the SA increased again in 1943.

⁷³ Curt von Ulrich, born April 14, 1876, in Fulda, is a former Lieutenant Colonel in the Army. He joined the NSDAP in 1925 and became an Elite Guard commander in Hessen. From 1930 to 1933 he was Inspector General of the SA. After Hitler came to power, Von Ulrich became Oberpraesident (Provincial Governor) of the Prussian province of Saxony.

Our parade in Nuernberg will prove to the whole world that the German future belongs to National Socialism, that Germany is awakening. *The thundering steps of the Brown Legions* announce a new era which will bring to an end the life of serfdom and misery. Friend and enemy must and will take note and be aware of us.

And on July 27, 1929:

It is well known that the *coming National Socialist State does not recognize general conscription* of the old type of Kaiser Wilhelm's time. (*The SA would not tolerate every scoundrel's thereby being forced to wear its revered uniform.*) The selection of those fitted for military service is made according to military law. Every German ought to be happy if he is permitted to represent his Fatherland. This privilege is also a test. He who joins us is not forced to do so as in the old Empire. It is his own free choice. But we accept no excuses thereafter. The National Socialist program is quite definite in this respect when it provides that only he who has fulfilled his military duty will be permitted to exercise the privileges of a citizen. That is, every sound Party comrade ought to belong to the SA and march in its ranks, and leave it for the others to stand on the sidelines and be mere spectators. The greater our display of power, the deeper the impression we shall leave behind, and the sooner will the others yield; the reactionaries⁷⁴ (one group of our enemies) showed in 1918 how they could run away from a handful of despicable deserters. Marxism showed, during the Kapp Putsch⁷⁵ and the Hitler Putsch,⁷⁶ how quickly the politicians capitulate. On both occasions the so-called rulers disappeared during the night, and they will do the same again when our day comes. *Free the streets for the Brown Battalions; free the streets for the Storm Troopers!*

On October 22, 1929, Gau Leader Telschow, in a meeting at Neuhaus/Elbe, declared the following in regard to the SA:

The present State is no State. The NSDAP is taking up the fight against the present system and against the "Three Hundred" of the international capitalists who rule the world. . . .

We are fighting for you. If necessary, our brown-clad youth will risk their lives in this fight, and we will prosecute this struggle by all methods. In such a fight, there will be casualties; there will be new graves in our fight against the Jewish scum. Some mothers will perhaps lose their sons!

Circular No. 3 of the Cologne University Group of the Nationalsozialistischer Deutscher Studentenbund⁷⁶ (National Socialist German Students' Bund), dated July 23, 1928, clearly shows that the NSDAP

⁷⁴ "Reactionaries" refers to monarchists who "capitulated"—as the Nazis termed it—when in November, 1918, deserters (that is, Democrats, Social Democrats, etc.) took over. The term gained new significance during the purge of the "reactionary" generals in July, 1944.

⁷⁵ See Appendix B.

⁷⁶ The Nazi cells among university students were the most active Nazi groups in the early twenties. The illegal rifle practice of these cells was a part of the secret rearmament and an important factor in undermining German universities.

is also pursuing its objective of the violent overthrow of the government with the aid of the SS. The following declaration is included:

In reference to Circular No. 2, we expect every healthy member to register for SS service *in order to receive practical training for the coming struggle to set up the National Socialist dictatorship.*

The statements cited are not to be considered as insignificant chatter of unimportant Party members or subordinate leaders, but rather as official proclamations of the Supreme Leader of the SA, the Supreme Deputy SA Leader of the Western Region, and a Gau Leader. SA Colonel Langendorf and the University Group of the National Socialist German Students' Bund in Cologne expressed themselves to the same effect. In short, the SA is the "expression of the personified resolute will to power" of the NSDAP—that is, of a movement which strives for the violent overthrow of the government. They serve first "to train healthy, brown-shirted members of the NSDAP for the coming struggle to set up the National Socialist dictatorship." The SA is not just a unit of young men of the same opinion without any determination to take the initiative, but an organization "determined to work for the national and social liberation of the German people by deeds rather than by words." Its task is "the struggle for the State." The SA is very much aware that these acts, this fight for the State, will be opposing "police bans and all kinds of other underhand methods," which are to be understood as measures of the authorities taken against the NSDAP for their acts of violence; for the fight will be prosecuted by "all possible means." It will be necessary for the SA members to "risk their lives in this fight." The SA and the SS are therefore the instruments of power of the NSDAP whose first duty it is to carry out the planned overthrow of the government. In order that there may be no doubt in this respect, the Supreme Deputy SA Leader of the Western Region quotes two treasonable actions, the Kapp Putsch and the Hitler Putsch, as examples for the final struggle. It will be the same when the day of the National Socialists comes: "Free the streets for the Brown Battalions; free the streets for the Storm Troopers!"

b. MILITARY TRAINING.⁷⁷

Observation of efforts on the part of the National Socialist leaders to obtain training in the use of military weapons and in military opera-

⁷⁷ The military character of the SA and SS has never changed. In 1943, the SA members who were not drafted served as auxiliaries to the army. The SS has

tions reveals that preparations are being made for the violent struggle with the existing State.

In the Rhineland Gau during the summer of 1928, a so-called "Sport Course for Leaders" was held. It was formulated in a strictly military manner. The *content of the course* is to be found in the Letters of Instruction which were sent to the leaders in outlying districts who were unable to attend in person. The Letter of Instruction No. I (August 2, 1928) deals with "Instructions on the Model 98 Rifle"; Letter of Instruction No. II (August 9, 1928) with the "Bayonet Model 98, Ammunition and Firing Instructions"; Letter of Instruction No. III (August 14, 1928) with "*Range of Bullets, Firing during an Engagement, and Estimating of Distance*"; Letter of Instruction No. V (August 22, 1928) with "Duties of Patrol Scouts"; Letter of Instruction No. VI (August 24, 1928) with "Patrol Duty." During the evenings on which instructions regarding the Model 98 rifle were given in the course, a rifle of this caliber was used for demonstration.

The Supreme Headquarters of the SA not only were aware of this course, but approved of it. To be sure, they suggested that these Letters of Instruction be kept as short as possible, in accordance with the new regulations of the Reichswehr regarding the necessity for caution, and that specifically military instructions be only in oral form during the lecture evenings. Moreover, at the request of Hitler, the military character of the course was later changed in favor of placing more emphasis upon the sport angle. It is significant, however, that Hitler did not reject this military training as a matter of principle. He rather expressed the wish that military instructions, if they were considered necessary, should be given only in oral form and in a very intimate circle of interested Party comrades, and that the written instructions should be restricted to entirely reliable Party comrades. We can, therefore, attach no weight to Hitler's declaration that, if the course were continued on its present basis, he would not be able to assume any responsibility for it, particularly as, according to a letter from the Supreme SA Leader to the Rhineland Gau, Hitler intended to discuss the matter with him again. It is also worthy of note that the Supreme SA Leader left it to the discretion of the Gau to continue the course according to its own judgment and upon its own responsi-

its own divisions, destined mainly as crack troops against revolutionary movements at home, since only 10 per cent of the SS men served in the field during 1943.

bility. The incident and the manner in which the Party headquarters dealt with it are at least very informative as to the *serious intentions* and efforts of the NSDAP *to prepare itself also in the military field for the planned violent overthrow of the government.*

C. MILITARY STRUCTURE AND DISCIPLINE

The purpose of the SA and SS as a revolutionary army is also in harmony with their military structure and discipline.

The SA is composed of specially suited and reliable Party *comrades from the territorial districts of the Party organization.* The SA is independent of the local Party organization (Ortsgruppe and Gau), has its own *leaders* who are independent of the local Party functionaries, and is placed under the command of the Supreme SA Headquarters (Osaf) in Munich. Until the end of August, 1930, Captain (ret.) von Pfeffer of Munich was Supreme SA Leader and was solely responsible to the Party Fuehrer, Hitler. As a result of the rebellion of the Berlin SA divisions in September 1930, Von Pfeffer resigned and Hitler took over the functions of the Supreme SA Leader for the time being.

The *organization* of the SA is strictly military. The smallest unit is the *Gruppe* (group), consisting of three to thirteen men who, if possible, should be employed in the same place. Several groups in a locality form a *Trupp* (troop), which is similar to a company. Several troops form a *Sturm* (battalion), and several battalions form a *Standardte* (regiment), the size of which is stipulated by the SA Leader. All of the regiments in a Gau form the *Gausturm* (Gau battalion); a particularly large and strong Gau may divide the Gau battalion into *Brigaden* (brigades), which might themselves contain several regiments. Recently several Gau battalions have been co-ordinated under a Supreme Deputy SA Leader, as were the former army inspection districts. In Germany there exist at present five such large regions:

1. East, Berlin: Captain (ret.) Stennes,⁷⁸ Supreme Deputy SA Leader.
2. North, Hannover: Major (ret.) Dinklage, Supreme Deputy SA Leader.
3. West, Duesseldorf: Lieutenant Colonel (ret.) von Fichte.
4. Central, Dresden: Lieutenant Captain (ret.) von Killinger.
5. South, Munich: Major (ret.) Schneidhuber.

"Inspector General" of all Storm Troopers is the former Supreme

⁷⁸ Captain Stennes had a feud with Hitler and left the Party before Hitler came to power. Then he emigrated to China, where he served as adviser in police matters until his alleged death in 1942. Most of the higher SA leaders who survived the blood purge of June 30, 1934, received high posts in the Hitler administration.

Deputy SA Leader of the Western Region, First Lieutenant (ret.) von Ulrich of Kassel.

Every battalion must have two trained medical aides; these form a special *medical corps* in the battalion. Every regiment also has a *band* (Spielmannszug—S. Z.) and an *orchestra* (Musikzug—M.Z.) The cyclists in the SA of a Gau may organize a *cyclists' unit*. The SA Gau Leader, who has an adjutant, is in charge of the Gau battalion. The SA Gau Leaders are under the Supreme SA Leader (Osaf) in Munich, who, until some weeks ago, was the former Leader of the Free Corps, Captain Pfeffer von Salomon (ret.). Every regiment Leader (Standartenfuehrer) has an adjutant.

The members of the SA wear uniforms, the so-called "Dienstanzug" (service uniform), consisting of: brown Hitler caps with chin straps; brown shirt with a brown tie; short trousers, brown if possible; leather or gaiter puttees; belt with shoulder strap; swastika armband (red band with black swastika on white circle); haversack and canteen, knapsack if necessary. On his right collar wing every SA man wears the number of his battalion in Arabic numerals; this collar insignia and number are of different colors in the various Gaus, just as the various regiments of the army corps were formerly identified. The leaders are identified by special insignia, such as stars, braid, etc. According to an order of the Supreme SA Headquarters, all members who served in the armed forces should be used in positions of leadership.

This military organization of the SA is in line with *military discipline*. The SA man taken from the ranks of the Party members must sign a special obligatory declaration of allegiance, in which he promises, among other things, *flawless discipline*. What is really to be understood here, and what, in consideration of the character of the SA, will have to be understood, is shown in the wording of such an oath as was given in 1926. Evidently out of caution, the wording has in the meantime been changed. In this oath, the SA man promises *implicit obedience* to the Fuehrer of the movement, Adolf Hitler, and to his appointed subordinates.⁷⁹ In spite of the change in wording, the oath still demands absolute obedience. In a more recent (May, 1928) directive to the SA members of the Oder-Warthe Gau, it is stated: "The SA men must implicitly obey their leaders."

⁷⁹ A similar pledge was required of members of organizations formed abroad in accordance with the principles of the SA, such as the various Nazi-minded Bunds and Leagues.

According to an order of the SA Gau headquarters of the Rhine-land Gau dated April 4, 1928, "the directives of the SA Leaders must be adhered to fully without the slightest protest." A letter from Adolf Hitler to the Supreme SA Leader, Von Pfeffer, sets forth the following rules for an SA man:

The SA man must be a fanatic defender of the Hitler ideology and must unquestioningly submit to the *commands of the officers*.

Supreme SA Leader Captain (ret.) von Pfeffer wrote to one of his subordinate leaders in Cologne on December 28, 1929, as follows:

Before you stands but one individual: der Fuehrer. And you obey him. Faith in him is faith in the German people. He commands and you obey. You ask not why nor wherefore. *You know the goal.*

These orders are put into practice. The following example is characteristic. A farm employee, Willy Priess of Halle, had been indicted for participating in a Communist riot which the National Socialists had provoked. When questioned on what he had thought regarding the arrival of the Communists, he declared that he had not given it any thought, that *every SA man must go wherever his leader directs*. From this it can be concluded that the members assumed the obligation to submit to the orders of their superiors, disregarding their own judgment and not considering the legality or expediency.

The Elite Guards (Schutzstaffeln—SS) are made up of the best and most reliable Party members from all the local groups. They are in close liaison with each other and are organizationally under a Superior Command in Munich (S.S.O.L.), which itself is under the Supreme Leader (Osaf). Their duties are threefold: protection of meetings, propaganda for the party, and service as a defense organization. According to the regulations for the SS, it is also their particular duty to provide reinforced protection for the Party Fuehrer, Hitler. Like the SA, the SS is strictly a military organization, and in its organizational duties it is independent of the local groups and the leadership of the Gau. It is also independent of the SA except that it is subordinate to the Supreme SA Leader.⁸⁰

The uniforms of the SS members are black. Requirements for entrance into the SS stipulate an age of 23-35 years, a minimum height of

⁸⁰ The organizational subordination of the SS to the supreme SA Leader was abolished when Hitler came to power. The political influence of the Reichsfuehrer

1.70 meters (not required of veterans), one year's Party membership, and affidavits of two other Party members who vouch for the applicant. The SS, therefore, represents an elite group of the NSDAP and is a kind of secret police. Obedience and silence are the principal qualities. The statutes of the SS contain a clause concerning unconditional silence regarding the internal affairs of the organization. Therefore a principle has been established whereby only those persons are admitted who, it can be expected, will remain National Socialists all their lives and will not leave the Party or be excluded from it. In conformity with this strictly military organization, all positions of leadership are to be filled, so far as possible, by former officers;⁸¹ there must also be maintained a register of military data for the members; and a monthly password must be issued.

The SS and SA are, therefore, strictly official Party military organizations, designed and, because of their organization and training, able to serve as the revolutionary assault troops in the violent overthrow planned and prepared by the NSDAP, and at the same time to form the nucleus of the army of the future National Socialist State.

5. DECLARATIONS OF LEGALITY AND THEIR VALUE

As revolutionary movements assume greater proportions and thereby present a greater danger to the maintenance of public order, they must naturally expect the government to take measures against them. During this phase, it is their custom to make declarations of legality, in order to keep the government from interfering with the organization which is still in the process of construction and preparation. The significance which may be attached to these assurances of a revolutionary movement has been pointed out by the Reich Supreme Court in its numerous high treason cases against members of the KPD (German Communist Party), in which it characterizes the frequent declarations of legality on the part of the Communists as completely unreliable assertions made for their own protection.

of the SS, Heinrich Himmler, increased so enormously that he became Chief of the Gestapo (1934), Chief of the entire German police system (1936), and Czar of the Home Front (August, 1943).

⁸¹ Many of these officers who became SS Generals (SS Gruppenfuehrer, SS Oberguppenfuehrer) were active saboteurs against the occupational forces after World War I. Hence they are experienced for future underground activities.

Recently, the NSDAP has also announced by repeated declarations and official directives by the Party Fuehrer, Hitler, and by subordinate officials, that it is striving for the complete transformation of the present State, but in a legal way and without the use of illegal methods. It is to be noted that the tactics of the National Socialists have assumed such a form that the Party directorate itself had thought that a new official proscription was imminent. Such a measure, however, would hamper and damage the development of the movement, even though the Party had intended, in the event of such a proscription, to continue illegally along the Communist pattern. It, therefore, seems more advisable to the Party officials to put on for the moment the cloak of legality in order to avoid official obstacles. In actuality, the real purpose of this step is only to gain time until the moment when the party is in better condition and better prepared for action.

The National Socialists have already previously made the same cover-up statements in moments of great danger to themselves, such as after the failure of the Munich Putsch. The attorneys of all the defendants who had participated in the Putsch⁸² endeavored to exonerate their clients by asserting that their undertaking had been a legal act. The court established the fact that it could not possibly have been a legal act. But even so far as the mental attitude of the defendants was concerned, it declared that it was utterly impossible for them to have acted in good faith when it stated, referring to Hitler:

It must be concluded that from all this, according to his description of the events during the first day of the trial, Hitler was at least not convinced of the legality of his acts:

"I said [to Kahr, Seisser, and Lossow],⁸³ 'We cannot turn back now. You will also perish with the whole affair.' For I foresaw that they would be put in prison with us if the plans failed."

And in regard to the other defendants, the court stated that:

From the education of the defendants it was utterly impossible to conclude that they assumed that Kahr was absolute ruler of Bavaria in the manner of Louis XIV, who created the phrase "*L'état, c'est moi*" (I am the State), or that

⁸² The Munich Putsch of 1923.

⁸³ Hitler has always maintained that the Bavarian Generalstaatskommissar Gustav von Kahr, Reichswehr Lieut. General von Lossow (Commander of the Bavarian Military District), and Police Colonel von Seisser (Chief of the Bavarian Police) were originally not opposed to his Putsch, but betrayed him later, both in action on November 9, 1923, and in their testimony in the following trial. All three, at that time retired officials, were murdered in the blood purge of June 30, 1934, on Hitler's order. Von Seisser again became a high police administrator in Bavaria under the American occupation of 1945.

he was even imitating him. Therefore, they also could not have believed that everything they did with Kahr or that Kahr did in conjunction with them was legal.

A revealing light is cast upon the value of legal assertions by National Socialist leaders in a description of the negotiations between Hitler and the former Bavarian Minister of the Interior shortly before the Munich Putsch of 1923. These negotiations are described by the former Bavarian Minister of the Interior, Franz Schwyer, in his book *Politische Geheimverbaende* (Secret Political Organizations), ed. 1925, pages 110-11. According to this book, when the Minister of the Interior warned Hitler, in a conversation, of the danger which might result from the development of the National Socialist movement, Hitler solemnly protested against the suspicion that he was plotting against the State. Hitler is supposed to have jumped up in great excitement, beat his breast, and declared :

Your Excellency, I give you my word of honor that I shall never in my life promote a revolt.

Hitler repeated this declaration with solemn emphasis, and a short time later he carried out the Munich Putsch !

And even today the assurances of the NSDAP must be evaluated only as tactical maneuvers.⁸⁴ The National Socialist leaders are, therefore, in a difficult position, for they must clothe their assertions of legality intended for the government officials in such a form that their followers can easily recognize that in reality no fundamental deviation from the revolutionary methods of using force is meant. This ambiguity is apparent in all National Socialist statements which attempt to pacify the authorities.

Alfred Rosenberg very characteristically says in his booklet *Der Voelkische Staatsgedanke* (The Racial Concept of the State) :

Two mortal enemies can use the same words and yet convey two entirely different meanings.

Koehler,⁸⁵ a member of the Legislative Assembly of Baden, states more clearly in his speech in Buehl on May 28, 1930 :

⁸⁴ The value of Hitler's "word of honor," so generously given in matters of foreign policy between 1933 and 1939, finally became apparent to the whole world. When this report was written in 1930, even members of the German administration did not like the statement that Hitler was a professional liar.

⁸⁵ Walter Koehler, born September 30, 1897, in Weinheim, was one of the First National Socialist members of the Legislative Assembly of Baden. After Hitler came to power, he became Prime Minister of Baden as well as Minister of Finance and Economics.

In spite of the Law for the Protection of the Republic, we are always able to keep within the borderlines of legality. If we want to call a minister a scoundrel, we use more flowery phraseology.

Doctor Buttman⁸⁶ of Munich stated in regard to this on June 18, 1930, in Baden-Baden:

I do not wish to step on the toes of the police officers, who must do their duty, or the plain-clothes men, who must supervise our meetings. But we have had some bad experiences with them; so I can easily say that we are able to discuss the *problems most dangerous to the Republic* in the meetings without their noticing it. No one can blame them, for with the present methods of the police schools, they are not taught any better.

Doctor Abendroth of Heidelberg declared in Mannheim-Sandhofen on June 15, 1930:

The National Socialists are no longer willing to have their speakers locked up for months. They have become more cautious in their remarks.

The statements of the former member of the Reichstag, Hermann Goering,⁸⁷ are not lacking in clarity when he says:

We are fighting in this State and the present system because we wish to destroy it utterly, *but in a legal manner*—for the long-eared plain-clothes men! Before we had the Law for the Protection of the Republic, we said we hated this State, but under this law we say that we love it, and still everyone knows what we mean.

In an article in *Der Angriff* of February 18, 1929, Doctor Goebels explains how "legal methods" are defined by the NSDAP:

A revolutionist must be able to do everything. His revolutionary convictions are proved not alone by fighting but also by the fact that he knows how to strike at the right moment. To be prepared is everything. Anyone can be blackjacked by the police, outlawed, or thrown into prison. *But to arouse volcanic passion, to awaken anger, to set the masses in motion, to organize hatred and despair with ice-cold calculation—that is, so to speak, with legal methods*—is what differentiates the revolutionist from the revolter. The revolution must also be organized. If revolution means nothing else, it means the breaking through of new spiritual, intellectual, and political ideas, and if the revolutionist is so unshakably convinced

⁸⁶ Dr. Rudolf Buttman, born July 4, 1885, in Marktbreit, founded the Free Corps "Buergerwehr" after World War I. From 1925 to 1933 he was the chief of the National Socialist faction of the Bavarian Legislative Assembly. Since 1932 he has been chief of one of the commissions of the Central Political Commission of the Nazi Party. After Hitler came to power, Buttman became Chief of the Section for Cultural Policy in the Reichsministry of the Interior and, in 1935, Director General of the Bavarian State Library and judge of the Reich Disciplinary Board for Civil Service.

⁸⁷ Hermann Goering, "Hitler's most loyal paladin," Marshal of the Third Reich, born January 12, 1893, at Rosenheim, Bavaria (named Hermann for his Jewish godfather, Hermann von Epenstein, M.D.), now awaiting trial as war criminal.

of the justice and necessity of this transformation that he will sacrifice his life if necessary, then he will also find ways and means of actually setting this insurgency in motion. . . . *To know how to wait is now essential, both for the leaders and the led. We must believe in the revolutionary strength of the movement, even though it wanders respectably and peacefully along seemingly bourgeois paths.* The most effective avengers are not those who let their hatred engulf them in blood and fury. To creep up on the enemy coolly, to feel him out and ascertain where his most vulnerable spot is, and to throw the spear calmly and with careful aim, so that it will pierce this weakness, and then perhaps to smile pleasantly and say, "Pardon me, neighbor, I cannot do otherwise!" is a dish of vengeance which is enjoyed in cold blood.⁸⁸

The most recent *Nationalsozialistisches Jahrbuch* (1930) brings out in a veiled fashion—but clearly and plainly for the attentive reader—that these methods of pacification are only tactical measures. In an article by Otto Bangert entitled "Idee und Organisation" (Idea and Organization) (pp. 159 ff.), we read:

After the German revolution of November 9, 1923, had failed as an armed uprising, Hitler recognized that democracy could now be beaten only with its own weapons. Accordingly, National Socialism—*against its innermost conviction*—was forced to begin the unequal race with the old parliamentary parties. It was forced to send its fighters into the parliaments. It had to train an army of agitators. Armed with the tongue, the pen, and the brush, with all the means of political propaganda which a democratic age handles so superbly, it had to go and meet the people in the streets and market places and begin the struggle for the great masses. . . .

As National Socialism did not find any traditional factors with which it could begin its operations, it had to appeal to the spontaneous life of the people *and to realize and organize through them the great revolutionary wave which will one day sweep away the entire present misfit of a State and all of its corruption. Therefore the first step in the task of National Socialism is to incite the masses through revolutionary propaganda. This must be followed up at the critical moment by the conquest of power, which in turn will bring about the establishment of the Third Reich.*

Today National Socialism is still entirely in the first phase. . . .

Long after the countryside has been conquered and the towns and smaller cities are firmly in our hands, the really large cities with their great concentrations of Reds may defy the National Socialist flood, until a final all-out attack lays them at our feet.

Then National Socialism will enter into the *second phase* of its development, which is characterized by the *seizure of political control. When and how we shall do this God alone knows. This question will eventually answer itself when the internal strength of the movement and all surrounding conditions tell us that the hour has come.* All our present work, so rich in sacrifice, is then only for the

* Of interest as a device for the coming Nazi underground.

sake of the historic moment when the banner of the Third Reich shall wave triumphantly over all Germany.

These statements reveal that during the present first phase of the mission of National Socialism the masses must be stirred up to a point of frenzy through revolutionary propaganda, and democracy must be disintegrated with its own, that is, with parliamentary legal methods. However, National Socialism knows not only a first but also a second phase, the phase of the conquest of the control of the State in order to establish the "Third Reich." The way in which this second phase is to be accomplished has been officially omitted, and this omission clearly proves that legal methods are not being considered.

Particularly characteristic is the much clearer statement by Doctor Frick in the same *Jahrbuch* (1930) (page 178): "The desperate cries for a dictatorship really come from those who are responsible for the present system; but in spite of this they will be called before a German State Tribunal for judgment." Doctor Frick set an example of the fact that assurances of legality are proffered only in moments of danger, but they are frequently accompanied by contradictory statements. When, in June of this year, he was interrupted in the Reichstag by the exclamation, "His Party does not want a revolution!" his answer was in utter contradiction to the clear meaning of the statements quoted above when he said, "Haven't you ever heard of a spiritual revolution?" He said this in spite of the fact that in his former speeches, already discussed in detail, he had demanded that a lieutenant and ten soldiers disperse the Reichstag, and that a dictatorship and terror be enforced in this country, just as had been done by Mussolini. These absolutely contradictory statements allow only one conclusion: that the very rare objection to illegal methods is not to be taken seriously, particularly because a challenge to use violence is constantly reiterated. The real significance of this attempt at diversion, which can be observed elsewhere as far as the so-called "spiritual revolution" is concerned, is demonstrated not only by many other convincing facts, but also by the statements of Doctor Goebbels in his pamphlet "Wege ins Dritte Reich" (Paths to the Third Reich), such as the following:

Revolution is not the literary affair of decayed snobs, but an actual political step toward socialism.

An article by Killinger directed against the Reichswehr—"Der Groener-Erlass" (The Groener Decree)⁸⁹ in the *Voelkischer Beobach-*

⁸⁹ The decree of the then Reich Minister Groener was directed against the acceptance of National Socialists in the German armed forces.

ter, No. 60 (March 13, 1930)—contains both the assurance of legality and the glorification of violence. At one point he states:

It is true that we wish to abolish the existing system of irresponsibility, with all of its Jewish and Marxist implications. However, not by violence, but rather by the methods of spiritual revolution which the Constitution grants us. He further maintains:

The soldier of the Reichswehr must conclude from this decree that the National Socialists are out to overthrow and destroy the existing German Reich and to excite it to a state of civil war, all of which is not true.

But in conclusion he remarks:

We shall use all means and extensive publicity in the press, which the Reichswehr also reads, to tell the people what must be done in the face of political events and political collaboration, and *we shall hammer not only into every soldier but also into every German the reason why he carries a weapon and the reasons why he must free his people.*⁹⁰

This is certainly nothing more than a veiled admonition that the liberation of the German people from the system of irresponsibility can be accomplished only by violence.

The utmost of mendacity regarding the assurances of legality is reached in the article "An die Gewehre" (To the Guns!) in *Der Angriff*, No. 58 (July 20, 1930):

We shall organize such an election campaign as the parliamentary politicians have never before experienced. And it is our determination that the new *Reichstag* to be elected shall be the last. *We want to end this system—legally—for after the September Reichstag, only one thing will exist: the Third Reich of national labor and social justice.*

Doctor Goebbels cynically declared at a propaganda meeting on June 6, 1930, in Berlin:

In 1927 and 1928 the NSDAP used very strong language, whereas in 1929 it acted with great restraint; *but it is well able to throw off this innocent mask once more in order to show its real strength.*

In this connection there should also be quoted the statement in the *Nationaler Sozialist* dated August 19, 1930, by K. O. Paetel, who is at present a member of the national-revolutionary nationalists, a group of left-wing dissenters of the NSDAP. These social-revolutionary nationalists know the real intentions of the NSDAP from personal observation, and the following statement by Paetel bears a great deal of weight:

⁹⁰ This technique of 1930 became the pattern for seditious Nazi activities in the whole world.

We leave the naive dream of accomplishing this (a healthy governmental condition) by "legal" means of legislative measures of the "Volksnationale"⁹¹ and the numerous bourgeois who share their convictions!

There can, therefore, be no doubt that the assurances of legality by the NSDAP, like similar assertions by the KPD (German Communist Party), are to be considered as tactical cover-up statements and are worthy of no credence.

6. LEGAL ANALYSIS

We must, therefore, start with the finding that the NSDAP is striving toward a revolution, using violent methods; the goal of this revolution is, by establishing the National Socialist dictatorship, to set up the National Socialist Third Reich. This endeavor is directed against the *Constitution of the German Reich*. By this Constitution are to be understood the fundamentals of the national life, whether they be expressly stated in this constitutional document or have found their legal expression in other places. Under the authority of the Weimar Constitution, the sovereign control of the German Republic rests with the German people.⁹² The German Reichstag is the representative of this united people as the bearer of the Reich sovereignty. At its side stand the Reich President⁹³ and the Reich government as instruments of the Reich. Therefore, when someone undertakes to remove the people from their position as bearers of the State authority, it must be considered an attempt to bring about a fundamental change in the Constitution. A dictatorship cannot be established without dislodging the people from this position granted them by the Reich Constitution. Under any condition, the establishment of a dictatorship involves a change in the Constitution under the democratic republican form of government as it exists in Germany, regardless of whether it is intended to be the final goal or serves only to accomplish other purposes.*

The nature and goal of this undertaking have taken a rather definite form. The goal is the overthrow of democracy and the establishment of a dictatorship. It is to be accomplished by means of

* RGSt. 56, p. 259 ff., especially pp. 260-63; see also Leipzig Comm., note 4 to Sec. 81, StGB.

⁹¹ A national splinter party which tried to promote its objectives by evolution.

⁹² Abolished by Hitler through the Enabling Act of March 23, 1933 (*Reichsgesetzblatt*, 1933, I, p. 141).

⁹³ The office of the Reich President was abolished after the death of Reichspräsident von Hindenburg by law of August 1, 1934 (*Reichsgesetzblatt*, 1934, I, p. 747), despite the fact that Sec. 2 of the Enabling Act of March 23, 1933, excluded such a constitutional amendment.

violence. The time has also been definitely set, so far as the conditions of the law are concerned. According to the decision consistently handed down by the Reich Supreme Court,** it is not essential that the treasonable plot should have been formulated completely in every detail in the minds of the participants; especially it is not necessary that the very day and hour of the intended violent overthrow of the government should have been set in advance. Such a limitation would make the law untenable and useless against all undertakings whose execution requires a great number of detailed acts. The choice of the time of execution—especially if the execution has been definitely decided upon—may depend upon circumstances. It is evident from the facts discussed above that the determination of the NSDAP to overthrow the government by violence is irrevocably established. According to these facts, after its failure in 1923 the NSDAP “began all over again,” as Frick expressed it, to re-create “the indispensable preparation for the success of the coming fight for freedom.” The day of the establishment of the national dictatorship is “longed for.” Doctor Goebbels expressed the fact that the National Socialists are “creating a powerful group with which they will be able one day to conquer the State” and that “the revolution is on the march.” The National Socialists definitely know that “another election will never be held.” At present, they allegedly abhor bombing and revolts, so that they may prepare their forces for the “coming revolution” and not deplete them prematurely. District Leader Terboven gives the “corrupt parliamentary system” and the dictatorship (which he believes Severing is planning for the end of 1929) “only four weeks’ grace; then the people will awaken, then the National Socialists will rise to power.”

The following recent statements also clearly show that the NSDAP considers the violent overthrow as imminent. In *Der Angriff* of April 22, 1929, Von Pfeffer says:

The tempo of the last year must give Hitler *the complete certainty that the time of our victory lies much nearer than we had previously dared to hope.*

Arthur Grosse, the Reich Leader of the Hitler Youth, quite clearly states in an article entitled “Buendische Menschen in der Hitler Jugend” (Members of Youth-Bunds in the Hitler Youth), published

** RGSt. 5, p. 60, and 16, p. 165, as well as the decisions of the Staatsgerichtshof zum Schutze der Republik in 1924-25 and of the 4th Senate of the RG for the following years in the trials for high treason against members of the KPD (for instance, RG IV $\frac{18.6.1926}{14 \text{ A. J. } 24/1926}$ and RG IV $\frac{21.2.1929}{13. \text{ J. } 204/1928}$).

in the magazine *Die Kommenden* of January 10, 1930, that the activities of the National Socialists constitute a continually careful preparation for a decision which has been definitely desired and planned for, and which may be expected in the near future:

If we exert all our strength, we still have time to train our youth, we still have time! *Woe unto us if it should be too late, and the Storm Troopers bleed to death for a State which may fly a different flag outside, bear a different name and bring a different order, but which internally has the same old ugly face of bourgeoisie and the same lack of culture.* Then the two million dead of the World War and the thousands who fell in the fratricidal struggle will have died in vain, and then we will have been the betrayers of our people.

The National Socialist agitator Staebe, of Wiesbaden, according to an official report of the Hessian Police Department of June, 1930, stated at a meeting in Giessen on March 19, 1930:

He who has a spark of love for the Fatherland and is prepared to make the supreme sacrifice on the altar of the Fatherland should join the NSDAP. *We are on the eve of a revolution.*

According to a report of the *Voelkischer Beobachter*, No. 159 (July 6-7, 1930), Wagner announced at a meeting held in the Berlin Sportpalast on July 1, 1930, regarding the evacuation of the Rhineland:

Our hour of realization comes nearer and nearer; therefore we now need unheard-of, ironclad discipline.

A report of the *Voelkischer Beobachter*, No. 161, regarding the celebration of the National Socialist Local Group in Meseritz on July 9, 1930, states:

. . . a solstice celebration and an enthusiasm which finds its source only in the ironclad belief in an *approaching* better future and in a new Third Reich for us, reborn from deepest infamy and slavery.

And according to the *Voelkischer Beobachter*, No. 171 (July 20-21, 1920), Hitler remarked at the peasants' demonstration on the Hesselberg on July 13, 1930:

We do not, like cowards, want to leave the fight against slavery to our children. . . . No, *we ourselves want to experience the day of freedom.* We want to fight for it, and we shall also say, as those peasants said when they descended from this mountain four hundred years ago to begin the Peasants' War, "It must be, come what may. We shall fight."

The fact that the NSDAP has already created, in the Storm Troops and the Elite Guards, the military troops for the intended overthrow and the nucleus for the army of the future National Socialist State also excludes every possibility of thinking of them as merely

theoretical statements of an event in the distant future. This fact rather forces us to the conclusion that they are dealing with a seriously intended coup which may be expected soon. The timing of this coup depends only upon sufficient preparation of their own forces and upon the favorableness of the political situation, as the Party wishes to avoid a repetition of the failure it experienced in 1923. How seriously the NSDAP wants and contemplates this overthrow is very clearly evident from the fact that the greatest energy is applied to the working out of the principles of the new National Socialist form of government to be brought about by the violent overthrow. A communication dated October 22, 1929, from the Reich Directorate of the NSDAP Organizational Division No. 2 to the Gau Leaders and Local Group Leaders stated in regard to this:

Until now, the NSDAP has used the weight of its political activity to expose and combat the destructive plots of the *forces inimical to the people which control the existing State and present society*. This fight must be continued in the future with increased vigor and by the exploitation of all legal means, until the political control of the State is taken over. But this must be accompanied by a gradual intellectual preparation for the *construction of the future National Socialist State*, in harmony with the growth of the movement.

The ways and means which lead to this new order cannot be planned in all detail so far in advance, as they depend on the unpredictable way in which the internal and external political situation develops. *But the ideal of a new order, which is our ultimate goal*, can be worked out clearly and distinctly, and the various possibilities and probable stages along the way to this goal can be studied.

Therefore, the present problem is to work out theoretically the effect of our racial ideology and of the National Socialist concept of State upon the basic philosophy of the various professional fields, and in this manner to gain a firm foundation and definite practical suggestions for the future reconstruction of the State.

The activity of the NSDAP throughout its many branches constitutes a continual preparation for the intended high treason, and thus an act of high treason as defined by Section 86, StGB. According to the decisions of the Reich Supreme Court*, Section 86 covers and makes punishable the slightest act reflecting the preparation of high treason. But under this also fall all acts which do not directly lead to the execution of the attempted undertaking, but only serve to prepare for the latter, and even those which do not aid the consummation of

* RGSt. 5, pp. 60 ff., and 16, pp. 165 ff.

the preparations but only serve as the basis for further contributing acts. Under these preparatory acts as discussed above, undoubtedly fall the promoting and strengthening of the Party and its collaborating organizations, working for the violent overthrow, the propagandizing of these ideas in public, the exciting and stirring up of the political and economic atmosphere, the subversive activity in the army and among the police, and the establishment of their own power machine organized on a military basis.

It must, therefore, be concluded that the change of the Constitution by violence⁹⁴ is the goal of the NSDAP and that its activities are a continued undertaking of high treason, thereby also fulfilling the conditions of Section 129, StGB.⁹⁵ Thus, further proof is given of the inimical character of the Party as an organization which aims to prevent measures of the Administration or to weaken them illegally. In order to fulfill the conditions of Section 129, StGB, it is not necessary that the attacking or weakening be directed against already existing measures; rather, it suffices that the organization be conscious of the fact that in pursuing its plans it will encounter the resistance of the government, and that it be desirous of overcoming the opposing counter measures of the authorities by illegal methods, such as violence, and so forth. This may be done even if such measures against the danger threatening from the organization may still be pending.* Among the most important duties of State are to guarantee the security of the State and of the constitutional administration, and by precautionary and corrective measures, to prevent their being disturbed. A violent attack against the security of the State and the constitutional order—for the planned overthrow of the government by the NSDAP must be so considered—cannot be accomplished without flouting and violating the measures of the administration. If such tactics have not been employed during the preparation of the attack, they will be employed immediately upon the outbreak of the violent insurrection. In addition, the fact that the violent insurrection is continually propagated is in itself sufficient proof that the Party has taken into consideration the fact that there will be resistance to the planned violent attack, and is

* Olshausen, note 2, Sec. 129; see also RGSt. 54,102.

⁹⁴ The change of the Constitution by violence was carried out on February 27, 1933, when the Reichstag was set on fire by the Nazis, and, as a consequence, the civil rights guaranteed by the Constitution were abolished through the Emergency Decree for the Protection of People and State of February 28, 1933 (*Reichsgesetzblatt*, 1933, I, p. 35).

⁹⁵ See Appendix A.

hoping to overcome this resistance by force, in order to gain its objectives.

In order that Section 129, StGB, may be applicable, it is not even necessary that the preparations be concentrated toward a definite undertaking of high treason, as is obligatory for the application of Section 86, StGB. The basis for the intention and activity of obstructing or weakening measures of the administration by illegal methods would, on the contrary, be present even before the preparations for an enforced change in the Constitution were yet recognizable as an act of high treason.*

III. CONCLUSION

Accordingly, the NSDAP is an organization hostile to the State as defined in Section 129, StGB. This organization endeavors to undermine the republican form of State as based upon the Constitution (Section 4, No. 1, RepSchG.—Law for the Protection of the Republic). In fact, its activities constitute an undertaking of high treason as defined in Section 86, StGB.

Whoever is associated with the NSDAP and has a knowledge of the Party's objectives becomes liable thereby to a prison sentence of from three months to five years. It is sufficient that the subject be aware of and approve the ultimate objectives of the Party; he need not approve its working or fighting tactics (RGSt., Vol. 58, p. 401). Therefore whoever is associated with the Party, though only with limited intentions and approval, is guilty of the felony of high treason as set forth in Section 86, StGB, or of aiding and abetting such a felony.

* R.G. of July 25, 1928—13.J.38/1926—R. G., Vol. 19, p. 100; Vol. 40, p. 383; Vol. 54, p. 102.

DOCUMENT C. REFUSAL OF THE REICH ATTORNEY GENERAL
IN 1930-32 TO PROSECUTE NAZI LEADERS FOR TREASON
AND SEDITION

Document C consists of correspondence between the present writer and the Reich Attorney General regarding law enforcement against the NSDAP.

The confidential report of the Prussian State Police Administration on the treasonable character of the National Socialist Party was forwarded through official channels to certain cabinet members and to the Oberreichsanwalt (Reich Attorney General).

However, inasmuch as the Prussian Police Administration was aware of the reluctant attitude—to say the least—of the Reich Attorney General in respect to enforcing the law against National Socialists, the author, as Chief Legal Officer of this Administration, endeavored to put the Reich Attorney General under public pressure. Under the pen name of "Procurator," the author published an article entitled "All Germans Are Equal before the Law," stressing the fact that the National Socialist Party was an organization attempting high treason and that the Reich Attorney General had the legal duty to enforce the existing law against all revolutionary groups, whether of the right or left. The duty of compulsory law enforcement is established by the German Criminal Procedure. This article was published in "Die Justiz," the legal magazine of the Republikanischer Richterbund, the only association of judges in Germany which was based on loyalty to the principles of the democratic Weimar Republic.

The author was supported in his action by this organization of which he was an officer, and by the legal offices of the German League for Human Rights, which recognized that civil rights could be effectively protected only by relentless enforcement of the law against those who tried to destroy them. Copies of the article were sent to the Reich Attorney General and to the various Departments—with the request that the law against high treason be enforced against the National Socialist Party and its officers.

The sabotage method used by Reich Attorney General Karl August Werner to protect the Nazis will be shown in the following correspondence between the Reich Attorney General and the author:

1.

Berlin

August 28, 1930

To the Reich Attorney General

Leipzig

Reichsgerichtsplatz I

Enclosed we are forwarding you a copy of *Die Justiz*, Vol. 4, No. 11, dated August, 1930. (Dr. Walter Rothschild, Publishers, Berlin-Grunewald.)

We draw your attention to the article "All Germans Are Equal before the Law," a comparative legal dissertation for the Reichsgericht [Reich Supreme Court] and the Reich Attorneys, by "Procurator," on pages 678-89, and request the Reich Attorney General, according to the sections of the German criminal procedure referred to in this dissertation, to institute the necessary prosecution against the National Socialist Workers Party of Germany and/or against their responsible officers. Please inform us of steps taken.

For their information, we have forwarded copies of this letter to the Reich Minister of Justice, the President of the Reichsgericht, the Prussian Minister of Justice, and the Prussian Minister of the Interior.

Registered

Enclosures.

2.

December 22, 1930

To the Reich Attorney General:

We are enclosing a copy of our letter of August 28, 1930, and would very much appreciate the Reich Attorney General's being kind enough to answer this communication.

3.

January 22, 1931

To the Reich Attorney General

Leipzig

In our communication to the Reich Attorney General of December 22, 1930, we enclosed a copy of our letter of August 28, 1930, and requested an answer. The Reich Ministry of Justice, as well as the other departments concerned, have already complied with the request and forwarded their reply some time ago. A franked envelope is enclosed for your use.

4.

January 29, 1931

From the Reich Attorney General:

The investigation against the officials of the National Socialist German Workers Party regarding the material presented in the article "All Germans Are Equal before the Law" is not yet fully completed.

As soon as the investigation has been completed, I will answer your inquiry.

Your letter of December 22, 1930, has not been received here.

s/ WERNER

5.

June 29, 1931

To the Reich Attorney General:

In reference to our letter of January 29, we wish to request that you inform us of the results of the investigation in this matter.

6.

July 6, 1931

From the Reich Attorney General:

The pending investigation as referred to in my letter of January 29, 1931, is, even as yet, not fully completed.

s/ per/NAGEL

7.

The Result

Finally, a year later, on August 7, 1932, the Reich Attorney General decided not to prosecute the Nazis. This was the dowry of the then Reich Chancellor, Franz von Papen, saboteur of the first World War, to Adolf Hitler, whose Vice-Chancellor he became when Hitler took over power on January 30, 1933.

Reich Attorney General Karl August Werner retained his office after Hitler came to power, and the National Socialists announced that he had been a follower of the Nazi Party when he held the office of Attorney General of the Republic.

The Republikanischer Richterbund and the German League of Human Rights were dissolved immediately after Hitler came to power. The police administrators, investigators, and judges who had requested the smashing of the Nazi Party, according to the laws of the Republic, were murdered or put into concentration camps, or were forced to flee the country.

In conclusion: After World War II, law enforcement against subversive groups in Germany should be carried out by the occupational authorities or entrusted to Germans who have the will and the energy to prosecute and smash the remnants of Nazism and its nationalistic associates. A beginning has been made through the reappointment of the few surviving members of the Republikanischer Richterbund by the occupational authorities. Among them is the Bavarian prosecutor Doctor Hoegner, one of the few active fighters against the parole of Hitler by the one-time Bavarian Minister of Justice, Franz Guertner.

DOCUMENTS D1, D2, D3. COURT DECISIONS OF 1930-31 ON
SEDITIONOUS ACTIVITIES OF THE NSDAP IN THE
ARMY AND POLICE

Court decisions of the following cases are presented below:

D1 German Reich vs. Lt. Richard Scheringer, Lt. Hans Ludin, et al.

D2. Prussian State vs. Major of Gendarmerie Kuhmer.

D3. Prussian State vs. Police Captain Seupel.

The German texts of these decisions are in the hands of the present writer.

Document D1

Re: German Reich *versus* Lt. Richard Scheringer, Lt. Hans Ludin, and 1st Lt. (ret.) Hans Friedrich Wendt, High Treason.

Decision of the Fourth Senate of the Reichsgericht (Reich Supreme Court), October 4, 1930, 12J 10/1930 XII H41/30.

The Constitution of the German Reich adopted by the German National Assembly in Weimar and promulgated by Federal Law of August 11, 1919, was subjected to heavy strains shortly after it came into force. Because of the pressure which the mighty victors exerted upon the Reich from the outside, because of the tension created internally by the Treaty of Versailles and by economic distress, and because of the changes in world philosophy among a large number of the people, radicalism among the Rightists and the Leftists increased. Instead of searching for the true causes of the desperate situation, people frequently laid the blame upon the Constitution and the government; and instead of leaving remedial measures to the government administration which had been appointed for this purpose by the people, one

had thought here and there to be able to end all the misery or bring about a new, happier era by establishing another regime by violence.

After a description of several attempts at the violent overthrow of the government in 1920, 1921, and 1923, the ruling continues:

All previously described attempts at high treason failed in the end because Army and Police, in spite of intensive luring, did not join the revolutionaries, but remained loyal to the constitutional government. This characterized the extraordinary importance which must be attributed to the Army and the Police in the fight for the existence of the State and in its battle against overthrow. A state which today desires to maintain itself internally and does not wish to surrender must, in order to succeed, consider its most important task to be to hold solidly on to its means of power, the army and the police, as instruments which stand above the parties and are loyal instruments of the Constitution.

The defendants, in their capacity as members of the army (Reichswehr), were charged with having attempted high treason in accordance with paragraph 86 of the penal code (StGB), by having tried to form National Socialist cells in the Reichwehr and by influencing the army (Reichswehr) to such an extent that in case of a putsch by the National Socialists it would not fire upon these, but would stand at ease instead; thus the defendants simultaneously violated paragraphs 92, 100, and 102 of the military penal code (MStGB).

As a result of the trial, the court regards the following facts as proved:

. . . . In compliance with the advice received from Held (the leader of the Ulm local group of the NSDAP) Scheringer and Ludin on November 1, 1929, went to Munich and there in a private residence and later at the official headquarters of the NSDAP, they entered into negotiations with Captain (ret.) Wilhelm Weiss, Editor of the *Voelkischer Beobachter*; with Captain (ret.) Dr. Otto Wagener; and the then chief leader of the Nazi Storm Troopers, Captain (ret.) von Pfeffer. They introduced themselves as officers of the army (Reichswehr) and said that they wanted information about the aims of the Party and that they were ready to establish connections between the army and the Party. They also mentioned that, if there would be internal trouble on the part of the communists, co-operation of the Reichswehr with the nationalistic organizations would be absolutely necessary. . . .

. . . . the defendants (the two officers) were told they should see what they could do or that they should call again some time.

. . . . Scheringer, moreover, met Doctor Wagener in Munich several times, but allegedly only because Doctor Wagener was a friend of his deceased father. That Ludin in the judicial investigation at first denied being in touch with any political party is rather extraordinary; later he confessed that he and Scheringer had had discussions with National Socialist leaders in Munich, but then again retracted the statement that Scheringer had accompanied him; finally he acknowledged the trip to Munich as described above.

After their return to Ulm the defendants informed their comrade Wendt of what they had accomplished in Munich. In accordance with Ludin's statement made in the judicial investigation, a few other Ulm comrades also were in the secret; however, Ludin did not divulge their names. Together with Wendt and with these comrades, Scheringer and Ludin then agreed that they would get in touch with comrades in other garrisons, who they believed could be won over to the plans of the defendants. This was to be done with the object of first winning over, in several centrally located German cities, one person each, who would declare himself willing, if circumstances permitted it, to get in touch with a man to be designated by the NSDAP; this person was then to probe into the attitudes of the comrades as well as of the superiors. That this was really the plan of the defendants, that the plan of the defendants went even much further than that, was disclosed later in the trips they undertook and from that which they designate here as the ultimate goal of their whole plan. Ludin said he visioned the ultimate goal as follows: either they would be successful in winning over to their plans the whole officers' corps or else the majority of the young officers would refuse to fire if an attempt at revolution should be made from the Rightists' side. During the trial itself Ludin said his ultimate aim had been that the majority of the young officers should refuse to fire, if the whole officers' corps could not be won over.

Regarding these trips, the court states as follows:

The witness Lieutenant Wintzer of Artillery Regiment 6, Hannover, during the years 1926 and 1927 had been with Ludin in Ohrdruf and in Jueterbog, as well as in Grafenwoehr for three weeks in May of 1929. At the end of November, 1929, Wintzer received a letter from Ludin, in which Ludin informed him that he would like to meet

Wintzer in Hannover; if Wintzer knew a dependable comrade who shared his views, he should bring him to the meeting.

Ludin told Wintzer:

In any event the army must be prevented from running into any such conflicts as it had done in the Hitler putsch; the nationalistic organizations and the National Socialists would not enter into anything if they knew that the army would oppose them. But should it come to premature action, troops would have to be prevented, under all circumstances, from firing on the nationalist organizations. Furthermore, Ludin declared he would introduce Wintzer and Lorenz to a National Socialist who was well informed about everything; he himself did not know the man in question; he would be only the intermediary. The gentleman would get in touch with Wintzer and Lorenz of his own accord and attend to further details; for the present Wintzer and Lorenz would have nothing to do but to gain information about the attitude of the comrades and to determine which officers displayed an especially passionate nationalist attitude; the main thing was first of all that there be available a few dependable people in each military district, through whom connections with the NSDAP could be established. . . .

The witness Lieutenant Lorenz of Artillery Regiment 6 in Hannover made essentially the same statement as the witness Wintzer with regard to the conversation he had with Ludin. When Wintzer informed Lorenz that Ludin was coming, Wintzer remarked that it concerned an important national matter. In accordance with the depositions made by the witness Lorenz regarding the conversation with Ludin, the latter has specifically said the following: It was unreasonable to think that the army would have recourse to weapons should the National Socialists undertake anything; for the time being, of course, nothing would happen, but perhaps during the next few months—not, however, if the army intended to oppose the National Socialist Party; if that was the situation, the National Socialists would not attempt anything; for the present it was most important that there be available in each military district a few “glowingly patriotic officers.”

About Wendt's trip to Hannover, the following was stated:

As Ludin had said to Wintzer and Lorenz, Wendt had traveled to Hannover for the same reason as Ludin. At one of the Hubertus celebrations in Munich, Wendt had become acquainted with Captain

Jaeger of the Infantry Regiment 18 in Muenster. Wendt first intended to meet Jaeger in Kassel but then by wire arranged to meet him in Hannover, traveling thither with Ludin from Ulm. Jaeger surmises that Wendt turned to him because he knew that Jaeger once had been penalized while in Infantry School for not having shown the required reserve in his dealings with members of patriotic organizations. While Ludin discussed matters with Wintzer and Lorenz, Wendt held his conversation with Jaeger at another place. As he himself admits, Wendt explained the attitude of the Ulm officers' corps to Jaeger and asked him what the attitude was in North Germany and also what his personal views were on questions of the day.

The court made the following statement regarding Ludin's trip to Berlin:

Having been in Jueterbog, Ludin knew Lieutenant Loehr of the Artillery regiment in Jueterbog. At the end of November, 1929, Loehr received a letter from Ludin, in which Loehr was requested to come to Berlin on the following Sunday (it was the 1st of December) on an important or worthwhile mission. To the letter was added the request, "Please burn!" Loehr was surprised about this, but answered that he would come and designated the Hotel Koburger Hof in the Friedrich Strasse as the meeting place.

. . . . On the way to the Rheingold (restaurant in Berlin), Loehr asked what it was all about. Thereupon Ludin answered him to the effect that he might directly disclose the main part (or even the whole) of the matter, which concerned the actions of the Reichswehr if the National Socialists wanted to overthrow the government by violence. Loehr is supposed to have declared this idea absurd and coming from a fanatic mind. Ludin then asked what was to be done if the Reichswehr was used in case of a National Socialist action; he also asked Loehr whether he was willing to influence his comrades in Jueterbog so that if it came to a conflict between the National Socialists and the Reichswehr, the latter would not fire upon the National Socialists. Loehr is supposed to have declined to answer the questions from a military viewpoint and to have emphasized that probably none of his comrades would be in favor of violence; he himself, perhaps, would not shoot. Loehr then asked what were the ultimate intentions; and Ludin replied the object was to replace the present government, which was not national at all, by another one, to do away with the Treaty of Versailles and the lie about Germany's responsibility for the war, and to create a better order in general.

In the Rheingold Ludin and Loehr met Lieutenant Joachim Fuersen of Artillery Regiment No. 2, in Stettin.

The witness Fuersen at the end of November, 1929, had received a letter from Ludin, requesting him to be in Berlin the following Sunday in an *urgent* or *important* matter. Fuersen had answered that he would be in the Rheingold around 1 o'clock. There he met Ludin and Loehr, who were already there. During the trial Fuersen maintained that, during their discussion in Berlin, Ludin was anxious about the following six points:

1. Loehr's and Fuersen's names should be reported to Munich. The witness would not commit himself as to whether it had been said that the names should be reported "to a central office in Munich."
2. Loehr and Fuersen were to receive a National Socialist in order to have him inform them about the aims of National Socialism; the young officers were too weak and, therefore, needed the backing of a nationalist party.
3. The officers' corps as a whole was to be nationalistically influenced by Loehr and Fuersen.
4. Loehr and Fuersen were to solicit the support of a few qualified officers who would make their influence felt along the same lines.
5. The troops were to be nationalistically educated and firmly placed in the hands of the leaders.
6. If violent disturbances between government and National Socialists occurred, the time of which could not yet be stated, the Reichswehr was not to turn against the National Socialists.

Speaking of the intent of the defendants, the court ruled as follows:

The defendants referred to their statement: "that one had learned a lesson from the Kapp and the Hitler putsches; the National Socialists would undertake nothing if they knew that the army would oppose them; no opposition could be allowed to develop between army and National Socialists." With that the defendants meant to say that they had not figured on a putsch. But their statements cannot be interpreted in that way. If the defendants had been convinced that the National Socialists would not attempt another putsch, all their tactics and their discussions about what was to be done if there would be a putsch were lacking in sense. The sentence that the National Socialists will do nothing if they know that they have the army against them can, from a rational point of view, mean only that the National Socialists are ready for a putsch if the army does not oppose them.

The defendants' conviction that a National Socialistic putsch, if not immediately imminent, still was to be expected within a reasonable

space of time brought about conflict as to what the Reichswehr was to do, should it come to that. They knew that the Hitler Putsch of November 9, 1923, had failed because the Bavarian State Police (Landespolizei), contrary to Hitler's expectations, did not join him, but followed the command of their leader and fired upon the National Socialist troop on November 9, 1923, in front of the Feldherrnhalle in Munich. It was the intention of the defendants not to let this happen again in another putsch; therefore it would have to be arranged that the Reichswehr should refuse to fire upon National Socialists engaged in a putsch. That that was the motive of the defendants is just as indubitably proved as their assumption that a putsch was imminent was proved by the discussions with the witnesses mentioned previously, by their attitude, and by the statements made by the defendants at the judicial investigation and at the trial. Let us mention here only the statement of the witness Fuersen to the effect that the last nationalist movement could not be allowed to be suppressed by the Reichswehr.

By "nationalist movement," only a National Socialist movement could be meant. This can be concluded from all the circumstances, e.g., that the names of the officers who were willing to assist were to be reported to Munich by the defendants. These officers were to get in touch with a National Socialist who would contact them, etc.

. . . . The actions of the defendants elucidated above represent as a whole a conspiracy of high treason according to Article 86 of the Penal Code (StGB).

With the conspiracy of high treason the defendants have also acted contrary to the order of the Reichswehr Minister of January 31, 1923-April 29, 1927, which forbade soldiers to participate in any unconstitutional activities.

By the disregard of this order the troop's readiness for battle was endangered, because the attempts of the defendants to induce other comrades to further a putsch diminished the battle-strength of the troop: herewith the conditions of paragraph 92 of the military penal code (MSTGB) were fulfilled. The defendants further attempted to cause dissatisfaction with their military duties among their comrades. Thus they are guilty of violation of paragraph 102 of the military penal code (MSTGB).

Document D2

Re: Prussian State *versus* Major of Gendarmerie Kummer
Unpublished Decision of the Prussian Disciplinary Tribunal

If an official works for a political party which intends the violent overthrow of the constitutionally existing order of the State, he thereby transgresses against the loyalty he owes the State, because of his position as official, and thus commits a disciplinary offense. The defendant, Major of Gendarmerie Kummer, has engaged in such activity by recruiting for and financially supporting the purposes of the NSDAP. The question comes up whether the aim of this party is the violent overthrow of the existing order of the State. This question was carefully examined and convincingly answered in the affirmative in the decision of the Disciplinary Board for Public Servants in Berlin in the session of March 9, 1931, in the disciplinary investigation against Government Inspector Erich Hasse, D.70.30/9. The Disciplinary Board summed up the proof as follows:

After all, it may be regarded as proved that the NSDAP is working with violent methods for a revolution, the aim of which is the establishment of a National Socialist dictatorship and, through it, the national Third Reich.

But if it is clear that the NSDAP seeks to reach its goal even by the use of force, then, by activity for the Party as stated above, the conditions of a disciplinary offense are objectively fulfilled.

But the defendant also knew very well that he was fulfilling the inner conditions of a disciplinary offense. In his capacity as officer in charge of the gendarmerie of a government district, he knew the revolutionary efforts of the NSDAP and its means of fighting the State. Besides, according to his own testimony, he had provided himself with this knowledge from the National Socialist literature and the National Socialist press, which he followed closely. As a former army officer, he was very familiar with the effect of his attitude on the other police officials in the Koeslin district.

Accordingly, the defendant has been guilty of a continued violation of No. 2, par. 1, of the Disciplinary Law of July 21, 1852; he has violated No. 2 (unworthiness of trust) as well as No. 1 (lapse of loyalty). Whether or not there exist the conditions of No. 2, par. 2, of the Disciplinary Law in the version of the law of August 4, 1922 (*Prussian Legal Register*, p. 208), which is a special case of No. 2, par. 1, No. 1, need not be decided.

At the same time the activity of the defendant for the NSDAP represents an infringement of the Circular Order of the Ministry of the Interior of July 3, 1930, and thus a lapse of obedience which for the above-mentioned reasons is to be regarded as a particularly serious disciplinary offense.

— Any one of these disciplinary offenses would in itself be sufficient to penalize the defendant with dismissal. In judging the seriousness of the violation, one must give special consideration to the position of the defendant as chief of an executive unit. As inspecting and supervisory official for the gendarmerie of an entire government district, he was the superior of a large number of gendarmerie officers and officials for whom, in his loyalty to the State, he should have set a special example. Though it was his duty to educate the gendarmerie officials of his district to the concept of the State, he himself acted in a manner extremely injurious to the State. If the fact that the defendant held a high position postulates a particular loyalty, we must also add the fact that we are concerned here with an executive unit of which the defendant was the head. Indeed his duty was to further the striking power of the executive and its continual championing of the State, and not to undermine systematically the confidence of the officials in the State by seditious activity. The seriousness of the disciplinary offense makes it impossible for the defendant to remain in the service of the Prussian State.

Document D3.

Re: Prussian State *versus* Police Captain Guenther Seupel
Unpublished Decision of the Prussian Disciplinary Tribunal
(II R II Seu XII)

The defendant, Police Captain Seupel, has also been guilty of another serious violation of duty. When, after the events of October 2, 1930, Police Sergeant Gildisch expected to be dismissed from the Schutzpolizei (Uniformed Police), he went to Police Captain (ret.) Migge, who at that time had a leading position in the NSDAP, and asked Migge to give him a job after his dismissal. It even came to a meeting in which Migge, Gildisch, and the bookkeeper Kroelke participated. In this meeting, which took place on November 3, 1930, it was decided to give Gildisch a position as night watchman on the estate of a member of the former imperial house, the administration of which had relations with Captain Migge of the NSDAP. At the suggestion

of Police Captain (ret.) Migge, Gildisch was to get in touch with a person who would put in a good word for him. Gildisch proposed to draw the defendant, Captain Seupel, into this. There was also a meeting between Migge and the defendant, Seupel, in a restaurant. The witness Kroelke testified that Seupel and Migge greeted each other very briefly; Kroelke received the impression that they already knew each other well. On this occasion the defendant recommended the witness Gildisch to Police Captain (ret.) Migge for employment. This recommendation of an official whose imminent discharge for serious violation of duty was known to the defendant, Seupel, constitutes a serious disciplinary offense. By his intervention for Gildisch, the defendant wanted to weaken the effect of the measures taken against Gildisch by the superior authorities.

This violation is all the more serious because the defendant knew, or in the circumstances must have assumed, that his recommendation of Gildisch was made in the interest of a party inimical to the State.

The various serious violations of duty on the part of the defendant lead to the motion that he be dismissed.

RECOMMENDATIONS. INTERNAL-SECURITY PROGRAM FOR OCCUPIED GERMANY

This study should stress the political significance of the possible and probable misuse of restored civil liberties in the future. In fact, the techniques used between 1928 and 1932 in Germany and after 1933 in other countries are the blueprint of the political *modus operandi* of Nazi subversive groups in occupied Germany and other countries.

We must realize that the military defeat of Germany has not brought the complete extinction of the National Socialist Party and its military units. The fate of many tens of thousands of Nazis is so highly dependent upon the fate of National Socialism in the world that they will strive to save themselves by reorganizing the remnants of the Party apparatus. Even though their ranks are greatly depleted on the battlefields and on the home front, even though tens of thousands are ready to swear lip-allegiance to any new authority, there remains a great army of dyed-in-the-wool Nazis and political desperados who secretly carry the torch of National Socialism. The behavior and activities of these Nazis inside and outside Germany reveal that they

go underground in a physical and psychological sense. The nucleus of the new secret movement will be formed by key men and women from the Party ranks, by male and female officials of the Hitler Youth, and by political, economic, and scientific propagandists who camouflage their activities as preservers of European culture.

Another type of Nazi underground is formed by the survivors of the SS Elite Guards, of the Security Service of the SS (the SD), of the Secret Police (Gestapo), of the German military intelligence, and of organizations such as the SS-ruled N. S. Reichskriegerbund-Kyffhaeuserbund, the Nazi Motor and Air Corps, as well as by other "patriots." Among them will be many who went through a similar experience after World War I. These included discharged officers, adventurers, professional gunmen, and misguided patriots, who escaped into the twilight of nationalistic leagues or of the Free Corps, some of them known as Werewolves, into the sabotage squads working against the occupational armies, or into the darkness of the Black Reichswehr, the illegal military formations sponsored by the German Reichswehr Ministry and by heavy industry contrary to the provisions of the Treaty of Versailles.

Despite the fact that the intelligence forces of the Allies and the few democratic officials of the internal security system of the Weimar Republic foresaw the menace of these leagues and semi-military units, they were not outlawed and destroyed. One significant reason for this historic failure was the disunity of the Allies after the First World War in their dealings with Germany. A second was the lack of political courage and initiative on the part of many leaders of the Weimar Republic. Therefore they did not dare to dismiss the old Imperial bureaucracy and the army generals who supported any movement camouflaged by patriotic flag-waving if it was directed against the growth of the political strength of the Weimar Republic. In fact, the State financed such activities inside and outside of Germany by paying pensions to officers and officials who were known as Nazi conspirators. The State also supported subversive organizations in Germany and abroad for their alleged patriotic activities.

But the main reason was that the government of the Weimar Republic did not have enough political vision to realize how political freedom could be misused by the enemies of political freedom. Finally, the executives did not have enough administrative experience to apply

adequate administrative and law enforcement methods in combating subversive activities when disguised as exercise of civil rights.

Under these circumstances, the National Socialists could gain control of the Reich by legally camouflaged illegal methods after the last restrictions imposed by the Allies were practically lifted in 1928. The consequences of these facts are now a matter of history. They are the background against which the American policy towards defeated Germany has to be formed.

This time, the occupational authorities of the United Nations have already taken the necessary precautions in order to prevent history's repeating itself: the Nazi Party and affiliated organizations have been outlawed, Nazi laws are abolished, Nazi officials are dismissed, rules on disarmament are enforced, trials of war criminals are in progress, and other security measures have been taken. But it is this author's opinion that further measures must be added.

The first measure should be the abolishment of the existing German police organization, in order to prevent the centralized police from again becoming a machinery for re-armament and totalitarian methods. For this reason, the entire public-safety system in Germany must be changed from the system of national police to that of independent local government public-safety units. The other change must be the restriction of the future local-government police organizations to the field of public safety. This means that the present jurisdiction of the police in such fields as public hygiene and welfare must be transferred to the departments of health, welfare, labor, and so forth. Furthermore, there is the problem of whether or not the detective forces should be transferred from the police administration to the public prosecutor's jurisdiction. The present police laws, statutes, and so forth, must be entirely changed.

So far as individual public-safety measures are concerned, they must be directed against the two techniques used by anti-Allied forces in Germany:

(1) Sabotage, such as assassinations of and attacks or threats against Allied or Allied-appointed German officials, the destruction of institutions and installations, and the hiding of weapons. Such activities will be performed by individuals or organizations like the Werewolves, founded in 1919.

(2) Infiltration, which means complying outwardly with occupational rules, but abusing the newly established liberties by putting

clandestine adherents of Nazi principles into German governmental, organizational, and economic life.

As effective internal-security measures for counteracting these techniques, the following are suggested:

(1) Fingerprinting the entire German population, in order to establish a new identification system. Checking the newly obtained fingerprints against the existing records.

(2) Classification of the *entire* German population—not only of Nazi Party groups—in order to become acquainted with the political, occupational, and personal background of the population.

(3) As repressive or preventive measures adequate to the classification of the respective persons, the following are suggested:

- a) Prosecution of Nazi criminals who are not under Allied jurisdiction.
- b) Compulsory labor in areas to be reconstructed.
- c) Residence restrictions.
- d) Exclusion from German territory or internment of dangerous Nazi propagandists from abroad.
- e) Restriction of the freedom of home, of speech, of assembly; restriction of postal, telegraph, and telephone secrecy.
- f) Control of movement and emigration.
- g) Confiscation of property.
- h) Exclusion from public service, certain professions or occupations.
- i) Denying of drivers' or pilots' licenses.

(4) Dissolution of *all* existing organizations and clubs, whether political or non-political, e.g., sport, women's, or relief societies. Introduction of a license system for new organizations.

(5) Abolition of the pension laws for officers, soldiers, civil servants, veterans, widows and orphans. Introduction of a system which takes into account the political, labor, economic, and eugenic policy of the occupational governments.

(6) Abolition of German laws endangering the co-operation between Germans and the governments of the United Nations, such as the treason and espionage acts.

(7) Promotion of persons in favor of the United Nations to key positions in government, business, and organizational life. In appointing public officials, proper use should be made of former inmates of

concentration camps and Germans exiled by the Nazi regime. Former German nationals who are now citizens of one of the United Nations should be used in advisory and liaison capacity.

(8) Abolition of the existing German system of life-time civil service and gradual introduction of the democratic method of electing public officials.

(9) Equal application of all punitive and security measures to the female population. Ban of legal, administrative, and other devices for the increase of the German birth rate.

(10) Within the territories of the United Nations: dissolution of all organizations and societies which are detrimental to the above-outlined internal-security program for occupied Germany, e.g., hyphenated organizations in the United States which might organize relief to dangerous Nazis or pan-Germanists.

(11) Establishment of a military and civilian internal-security force for occupied Germany as a career service.

(12) Co-ordination of the internal-security precautions with the military, economic, educational, and relief measures for a period of thirty years.

These proposals should be regarded as mere suggestions. The writer is convinced that certain provisions have already been taken along these or similar lines.

APPENDIX A

PERTINENT SECTIONS OF GERMAN CRIMINAL LAW.

The following sections of German criminal law are the legal basis of this report:

I

Section 81, StGB

(Strafgesetzbuch fuer das Deutsche Reich of May 15, 1871)

Whoever undertakes, in addition to the instances of Section 80:

1. (Abolished.)
2. to change the Constitution of the German Reich or of one of the States by force, or
3. to incorporate by force, the territory of the States into a foreign State, entirely or in part, or to separate one part from the whole, or
4. to incorporate the territory of one State in full or in part, by force, into another State, or to separate one part of a State from the whole,

shall be punished for high treason with life imprisonment at hard labor, or with life confinement in a fortress.

In case of extenuating circumstances, the confinement in a fortress may be reduced to not less than five years.

In addition to confinement in a fortress, public offices held by the prisoner and all rights resulting from public elections may be cancelled by court ruling.

II

Section 82, StGB

(Strafgesetzbuch fuer das Deutsche Reich of May 15, 1871)

Every act contributing to the execution of the plan is to be regarded as an undertaking by which the felony of high treason is consummated.

III

Section 86, StGB

(Strafgesetzbuch fuer das Deutsche Reich of May 15, 1871)

Every other act in the preparation of an undertaking of high treason will be punished with a maximum of three years' imprisonment at hard labor or confinement in a fortress for the same length of time.

In case of extenuating circumstances, the punishment will be confinement in a fortress from six months to three years.

IV

Section 128, StGB

(Strafgesetzbuch fuer das Deutsche Reich of May 15, 1871)

The participation in an organization the existence, constitution, or purpose of which is to be kept secret from the Government, or in which obedience is pledged to unknown superiors or implicit obedience of known superiors, is punishable by imprisonment up to six months for the members and from one month to one year for the founders and officers.

Public officials may be deprived of the right to hold public office for a period of from one to five years.

V

Section 129, StGB

(Strafgesetzbuch fuer das Deutsche Reich of May 15, 1871)

The participation in an organization the purposes or activities of which include the obstruction or invalidation by illegal means of administrative measures or of the enforcement of law, is punishable by imprisonment up to one year for the members and from three months to two years for the founders and officers.

VI

Section 4, RepSchG

(Gesetz zum Schutze der Republik of March 25, 1930)

1. Whoever participates in or supports an organization which is secret or hostile to the State (Sections 128, 129, StGB) and which pursues the objective of undermining the constitutionally established republican form of government of the Reich or of a State:

2. Whoever joins an organization which is secret or hostile to the State (Sections 128, 129, StGB) and which itself or the members of which illegally possess arms

is punishable with imprisonment of not less than three months, if other laws or statutes do not provide heavier penalties.

APPENDIX B

IMPORTANT DATES IN THE DEVELOPMENT OF THE NATIONAL SOCIALIST PARTY

1918

Nov. 9.—Founding of the German Republic. Friedrich Ebert becomes first President.

1919

Jan. 5.—Founding of the Deutsche Arbeiter Partei.

June 28.—Signing of the Treaty of Versailles.

Aug. 11.—Constitution of the German Republic accepted in Weimar.

Sept. 16.—Adolf Hitler, a confidential agent for the Army, joins the Deutsche Arbeiter Partei as member No. 7. He was born April 20, 1889, in Braunau, Austria, third son of a third marriage of Alois Hitler, formerly Schicklgruber.

1920

Feb. 24.—Hitler explains the 25 points of his Party program at a mass meeting in the Hofbraeuhaus in Munich.

Mar. 13-17.—The Kapp Putsch, an attempt of high treason against the young Republic, is made by Generallandschaftsdirektor Kapp, and Generals von Luettwitz and von Ludendorff. Hitler arrives in Berlin from Munich after the failure of the Putsch.

April.—Hitler resigns from his position as confidential propagandist and informant of the Army.

Dec. 17.—Hitler buys the *Voelkischer Beobachter*, which becomes the official organ of the National Socialist Party.

1921

July 29.—Hitler is appointed a Leader of the National Socialist Party by a general assembly. The "Fuehrerprinzip" (leadership principle) is introduced.

Aug. 3.—Founding of the SA Storm Troops.

1922

Mar. 10.—The Bavarian Cabinet considers Hitler's expulsion as an undesirable alien.

June 24-27.—Hitler serves part of a three months' prison term for disturbing the public peace.

1923

Jan. 11.—Occupation of the Ruhr Valley by the French.

Jan. 27-29.—First Party Convention of the NSDAP.

- Nov. 8-9.—Hitler Putsch in the Buergerbraeukeller, Munich; proclamation of a national dictatorship of Hitler and General Ludendorff; failure of the revolt.
Nov. 11.—Hitler taken into protective custody by the Bavarian General State Commissar von Kahr.

1924

- Feb. 26.—Trial before the People's Court of Munich for high treason. Defendants were Adolf Hitler, General Erich Ludendorff, Police President Ernst Poehner, Dr. Wilhelm Frick, Dr. Friedrich Weber, Captain (ret.) Ernst Roehm, First Lieutenant (ret.) Wilhelm Brueckner, Lieutenant Robert Wagner, Lieutenant Colonel (ret.) Hermann Kriebel, Lieutenant Colonel Heinz Pernet, and others. The Court pronounced varying sentences against these persons.
Apr. 12.—Hitler serves part of his term of five years in the Landsberg Fortress, until his parole, contrary to the recommendation of the Bavarian State Police, dated Munich, Sept. 22, 1924.

1925

- Feb. 26.—Hitler proclaims the general directives for the revival of the Nazi Party in the first issue of the revived *Voelkischer Beobachter*.
Feb. 28.—Death of the first Reich President, Friedrich Ebert.
Mar. 27.—Hitler appears again as speaker in Munich after his release from the fortress.
Apr. 26.—General Field Marshal von Hindenburg is elected as Reich President with the votes of the Nationalists and the National Socialists.
July 18.—Publication of Volume I of Hitler's book, *Mein Kampf*, written in the Landsberg Fortress.

1926

- July 3.—Founding of the Hitler Youth.
Nov. 1.—Dr. Paul Joseph Goebbels becomes Gau Leader of the Berlin-Brandenburg Gau of the NSDAP.

1927

- May 7.—NSDAP activities outlawed in Berlin.
July 4.—First issue of *Der Angriff*, published by Doctor Goebbels, appears as the National Socialist organ in Berlin.

1928

- Jan. 2.—Gregor Strasser becomes Chairman of the Organizational Committee of the NSDAP.
Mar. 31.—Revocation of the decree of May 6, 1927, prohibiting the NSDAP in Berlin and Cologne.
Sept. 28.—Revocation of the decree prohibiting Hitler from speaking in Prussia.
Nov. 16.—First mass meeting in the Berlin Sport Palace with Hitler as speaker.

1929

- Jan. 6.—Heinrich Himmler is appointed as Chief of the SS Elite Guards.
July 9-Mar. 12, 1930.—A united political campaign of the National Socialists, the German Nationalists, and the Stahlhelm against the Young Plan.

1930

- Jan. 23.—Dr. Wilhelm Frick becomes Minister of the Interior and Education in Thuringia, thus being the first National Socialist to become a member in the cabinet of a German State.
- Feb. 23.—The Berlin Storm Troop Leader, Horst Wessel, author of the text of the Horst Wessel song, was killed. The police investigation revealed that Horst Wessel, a pimp, was killed as a result of a fight with Ali Hoehler, another pimp. Hoehler was sentenced to a six-year term and killed in prison after the Nazis came to power.
- Mar. 30.—Reich President von Hindenburg appoints Dr. Heinrich Bruening as Reich Chancellor.
- Apr. 1.—A new official National Socialist magazine, *Nationalsozialistische Monatshefte*, appears under the editorship of Alfred Rosenberg.
- May 21.—Otto Strasser, formerly a prominent editor of National Socialist newspapers, leaves the Party after a feud with Hitler. Under the slogan "The Socialists Leave the National Socialists," he founded a new group under the name Kampfgemeinschaft Revolutionaerer Nationalsozialisten (Fighting Brotherhood of Revolutionary National Socialists), which later became the Black Front.
- August.—Confidential report of the Prussian State Police Administration submitted to a number of government agencies requesting the prosecution of the National Socialist Party and its officers for high treason and secret conspiracy.
- Sept. 14.—The German Reichstag elections. The National Socialist Party gets 6,400,000 votes (18.03%) and 107 seats out of 577.

Comparative figures of Nazi votes in Reichstag elections:

May 4, 1924	1,910,000 votes;	32 deputies out of 472.
Dec. 7, 1924	900,000 votes;	14 deputies out of 493.
May 20, 1928	810,000 votes;	12 deputies out of 491.
Sept. 14, 1930	6,400,000 votes;	107 deputies out of 577.
July 31, 1932	13,740,000 votes;	230 deputies out of 608.
Nov. 11, 1932	11,740,000 votes;	196 deputies out of 583.
Mar. 5, 1933	17,280,000 votes;	288 deputies out of 647.

- Sept. 25.—Hitler makes a statement under oath about the legality of the National Socialist Party during the trial of three Reichswehr officers for high treason.

1931

- Oct. 10.—Hitler and his political representative, Hermann Goering, have their first conversation with Reich President von Hindenburg.
- Nov. 25.—Confiscation in Hessen of the so-called *Boxheimer Dokumente*, containing administrative plans of the Nazi Party for taking over the control of the State, and decrees establishing death penalty against the enemies of the Nazis. The Reich Attorney General refused to prosecute the author, Dr. Werner Best, for high treason. In 1933, Doctor Best became Deputy Chief of the Gestapo.

1931

Dec. 11.—Deportation of Hitler from Prussia as an undesirable alien is contemplated by Albert Grzesinski, Police President of Berlin; Reich President von Hindenburg blocks the plan.

1932

Jan. 29.—Reichswehr Minister Groener allows National Socialists to enter the Reichswehr.

Feb. 25.—Hitler becomes a German citizen through his appointment as Government Councilor by the National Socialist Minister Klagges of the State of Braunschweig.

Apr. 10.—Von Hindenburg is re-elected as Reich President for a second seven-year term, with 19,350,000 votes (53%). Hitler receives 13,410,000 votes (36.8%). The Communist candidate, Ernst Thaelmann, receives 3,700,000 votes (10.02%).

Apr. 13.—Prohibition of the Storm Troops (SA) and the Elite Guards (SS) by Reich Chancellor Heinrich Bruening.

May.—Secret meeting between Reichswehr Minister von Schleicher and Hitler in Berlin.

June 1.—Franz von Papen, saboteur of the First World War, becomes Reich Chancellor after Bruening's dismissal by Reich President von Hindenburg.

June 17.—Readmittance of the SA and SS.

July 20.—Reich Chancellor von Papen destroys the main bulwark against National Socialists by taking over the Prussian Government of Otto Braun and Karl Severing. He bases his illegal action on Article 48, the emergency section of the Weimar Constitution.

Aug. 7.—Reich Attorney General Karl August Werner declines to prosecute the NSDAP.

Aug. 30.—Hitler holds a conference with Reich Chancellor von Papen and Reichswehr Minister von Schleicher about reorganization of the cabinet. Hitler declines to become Vice-Chancellor.

Nov. 17.—Reich Chancellor von Papen resigns.

Dec. 3.—General von Schleicher becomes Reich Chancellor.

1933

Jan. 4.—Secret meeting of Hitler and former Reich Chancellor von Papen in the home of the banker Von Schroeder in Cologne; Heinrich Himmler is present.

Jan. 30.—Reich President von Hindenburg appoints Hitler as Reich Chancellor; Dr. Wilhelm Frick, National Socialist, as Reich Minister of the Interior; Hermann Goering, National Socialist, as Reich Minister for Air and Prussian Minister of the Interior (Police); Dr. Paul Joseph Goebbels, National Socialist, as Reich Minister of Public Enlightenment and Propaganda (March 15). Other cabinet members are Franz von Papen, Vice-Chancellor; Lieutenant General Werner von Blomberg, Defense Minister; Konstantin Freiherr von Neurath, Foreign Minister; Lutz Graf Schwerin von Krosigk, Minister of

Finance; Alfred Hugenberg, Minister of Food, Agriculture and Economics; Paul Freiherr Eltz von Ruebenach, Minister for Transportation and Mail; Commander of the Stahlhelm Franz Seldte, Reich Labor Minister; Franz Guertner, Minister of Justice; Rudolph Hess, Reich Minister and Deputy of the Fuehrer (Dec. 1); Ernst Roehm, Reich Minister and Chief of Staff of the Storm Troops (Dec. 1).

Feb. 27.—Reichstag fire set by the Nazis in order to obtain emergency powers to stamp out all resistance to the new Nazi Administration.

Feb. 28.—“Decree for the Protection of People and State,” abolishing the rights guaranteed in the Weimar Constitution, and establishing the basis for imprisonment of people in concentration camps without judicial review.

Mar. 5.—Last Reichstag election—already under the terror system of the NSDAP.

Mar. 23.—Passing of the “Enabling Act,” granting legislative power to Hitler’s cabinet and abolishing the Reichstag as a legislative assembly.

July 14.—Law against the Formation of New Parties.

Dec. 1.—Enactment of the “Law Securing the Unity of the National Socialist Party and the German State.”

1934

June 30.—Hitler’s blood purge.

Aug. 2.—After the death of Reich President von Hindenburg, Hitler appoints himself as Fuehrer and Reich Chancellor.

Dec. 20.—Law against Malicious Attacks on the State and the Party.

1935

Sept. 15.—Law for the Protection of German Blood.

1937

Jan. 30.—Establishment of a Chief of the Foreign Organization of the NSDAP (AO) in the German Foreign Office.

1943

Aug. 24.—Heinrich Himmler, Reich Commander of the SS and of the German Police, is appointed General Commissar of the Reich Administration. The SS rules the home front.

1944

July 22.—Heinrich Himmler purges the Army and gains control of the Home Army.

1945

May 8.—Dissolution of the Nazi Party by General Eisenhower.

THE AUTHORSHIP OF *THE FATAL EXTRAVAGANCE*

PAUL P. KIES

Professor of English

The Fatal Extravagance is generally attributed to Aaron Hill. *The Cambridge Bibliography of English Literature* has the following comment under Hill: "Given by Hill to Joseph Mitchell and ptd in the latter's name"¹; and it has a similar note under Mitchell: "Pbd as by Mitchell, but said to have been written by Aaron Hill and given by him to Mitchell."² Allardyce Nicoll states the question of authorship as follows:

Concerning the authorship of . . . *The Fatal Extravagance* (L.² April 1721), considerable doubt has prevailed. . . . It was published under the name of Mitchell, but seems actually to have been the work of Hill. Whincop says merely that the former "was said to be greatly obliged to Mr. Aaron Hill" in its composition, but Victor declares it was almost entirely by the latter, and it was reprinted (in one act) in the 1760 collected edition of Hill's dramatic efforts.³

Ten pages earlier, however, he remarks, "With Mitchell, a trifle later, he [Hill] seems to have collaborated in a bourgeois drama, *The Fatal Extravagance*."⁴ Dorothy Brewster says that Hill "wrote *The Fatal Extravagance*" and "permitted Mitchell to call himself the author."⁵ *The Dictionary of National Biography* boldly declares that the play was "written by Hill."⁶ The truth, however, probably is that, as the avowed author stated in the Preface (the pertinent paragraph of which will be quoted later), Hill's contribution consists of the general idea of the play and assistance "in the Scheme, in the Sentiments, and Language," and that Mitchell did most of the actual writing.^{6a}

The play was originally published in 1720, and the title page of the 1730 edition (called the "Fourth Edition Corrected") still states

¹ Ed. F. W. Bateson (Cambridge, Eng., 1941), II, 439.

² *Ibid.*, II, 322.

³ *A History of Early Eighteenth Century Drama 1700 to 1750* (Cambridge, Eng., 1925), p. 119.

⁴ *Ibid.*, p. 109.

⁵ *Aaron Hill* (New York, 1913), pp. 97-98.

⁶ Ed. Leslie Stephen and Sidney Lee (New York, 1885 ff.) XXVI, 389.

^{6a} While this paper was in press (it was announced in the 1939 and 1942 volumes of *Work in Progress* of the Modern Humanities Research Association [p. 68 and p. 83, respectively]), there appeared Paul S. Dunkin's "The Authorship of *The Fatal Extravagance* (*Modern Language Notes*, LX [1945], 328-30), in which the conclusion is as follows: "It is possible that the accounts in Cibber and in Victor were based only on a misinterpretation of Mitchell's preface, and that Hill and Mitchell did, indeed, collaborate in writing *The fatal extravagance*." It seems to me not merely possible but highly probable that the drama was not entirely or almost entirely the work of Hill.

expressly that the work was "Written by Mr. Mitchell." The Dedication (to "James, *Duke* Hamilton, *Duke* of Brandon, &.") is signed by Mitchell. In the Preface, Mitchell acknowledges his indebtedness to Hill as follows:

I took the Hint (and only the Hint, as the Reader may see) of that Story, which I have fitted to the Moral of the following little Piece, from Shakespear's *Yorkshire Tragedy*, which was put into my Hands, on purpose, by my good Friend, Mr. Hill, to whom I take this Occasion of expressing my Gratitude, in the most publick manner I can; all Endeavours, beside Acknowledgements, being vain, to match the Instances of his Friendship, and that uncommon Humanity, and Frankness of Spirit, so peculiar to himself, in his manner of bestowing Favours: But 'tis needless, to tell the World, how much I am oblig'd to him, and what just Sense I have of his generous Regard to me. They, who know him well, and what a Waste of his important Time he has made for my Interest, will be beforehand with my Acknowledgements, and enumerate the Advantages, which I could not miss from his Friendship.— I owe much, in the Scheme, in the Sentiments, and Language, of this Piece, to the Direction of that accomplished Gentleman, who has either no Enemies, or they are such, because Strangers to his good Qualities; for 'tis only necessary to *know* him, to be, by Choice, or Obligation, made inviolably his own.— I embrace this Opportunity of thanking him for his excellent Prologue, which so well prepared the Audience for the Representation. Nor can I help thanking him even for the Epilogue, tho' not less pleasant on my self, than on my Adversaries among the *Scots* Clergy; for who would not be contented under a Stroke, or two, of his Satyr, whose Praise (as *Juba* says of *Cato*) I would rather have, than Worlds for my Admirers?

The only evidence for attributing *The Fatal Extravagance* entirely to Hill seems to be the following statement in Theophilus Cibber's *Lives of the Poets of Great Britain and Ireland*, published in 1753:

Once, when Mr. Mitchel was in distress, Mr. Hill, who could not perhaps conveniently relieve him by pecuniary assistance, gave him a higher instance of friendship, than could be shewn by money. He wrote a beautiful dramatic piece in two acts, called *The Fatal Extravagant* [sic], in which he exposed the hideous vice of gaming. This little dramatic work is planned with such exquisite art, wrought up with so much tenderness, and the scenes are so natural, interesting and moving, that I know not if Mr. Hill has any where touched the passions with so great a mastery. This play met the success it deserved, and contributed to relieve Mr. Mitchell's necessities, who had honour enough, however, to undeceive the world, and acknowledge his obligations to Mr. Hill, by making mankind acquainted with the real author of the *Fatal Extravagant*. As this was a favour never to be forgotten, so we find Mr. Mitchel taking every proper occasion to express his gratitude, and celebrate his patron. Amongst the first of his poems, is *An Ode*, addressed to Mr. Hill, which is one of the best of his compositions.⁷

⁷ (London), IV, 349-50. A footnote states concerning the biography of Hill, "This was sent us by an unknown hand."

This evidence is highly suspicious, inasmuch as it is to be found only in the biographical sketch of Mitchell, which is rather unsympathetic toward him. The statement could easily have been based on Mitchell's Preface to *The Fatal Extravagance*, for it sounds like a remark of a person who trusts too much to memory and does not check carefully enough on the sources of his information. The twenty-four-page biography of Hill in Cibber's *Lives* makes no mention of *The Fatal Extravagance*, whereas, if Mitchell had declared Hill to be the sole author, a person preparing such an elaborate and thorough account should have had the information. Likewise, in 1747 in the play list added to Thomas Whincop's *Scanderbeg*, the piece is still assigned to Mitchell—with the remark that "the author was said to be greatly obliged to Mr. Aaron Hill for his assistance in this play"⁸; one should note that Hill, who died in 1750, was still living when this work appeared. Mitchell had died in 1738, and as late as November 25, 1734, a benefit performance of the tragedy had been given for him as the author.

To be sure, Benjamin Victor in 1761 said that Hill "writ the *Fatal Extravagance* for Mr. Mitchell, (a Gentleman of his Acquaintance then in Distress) got it acted, and supported on the supposed Author's third Night."⁹ Again, the editor of *The Dramatic Works of Aaron Hill, Esq.*¹⁰ in 1760 included the piece as one of Hill's plays. These persons, however, presumably received their information or misinformation from Cibber's *Lives*.

The 1753 edition of *The Fatal Extravagance*, which has not been discussed by the scholars dealing with the problem of the authorship of the play, seems to be very rare; the British Museum has a copy, and I have one, but I have not found it in any of the twenty-eight American libraries which I thought would be most likely to have it. It contains only the title page, the cast of characters, and the text of the play proper—omitting Mitchell's Dedication, his Preface, the two Prologues, and the Epilogue. The title page reads: "The / *Fatal Extravagance*. / A / Tragedy. / As it was formerly acted at the Theatre in Lincoln's-Inn Fields. / By Aaron Hill, Esq; / London: / Re-printed in the year 1753, and sold by the Booksellers of London and Westminster." The fact that Hill's name is printed on

⁸ (London), p. 261.

⁹ *History of the Theatres of London and Dublin* (London, 1761), II, 123.

¹⁰ (London, 2 vols.).

the title page of this edition is probably not very significant. Inasmuch as he had been dead for three years, the listing of his name as the author may well have been the result of the statement in Cibber's *Lives* that he had written the play and given it to Mitchell outright. Thirty-three years after the composition of the drama, members of his family (one son and a daughter were still living in 1753¹¹) could hardly be expected to have first-hand knowledge as to whether he had written the piece entirely alone or whether he had merely advised and assisted Mitchell—especially because his wife was dead before the publication of Cibber's *Lives* (1753)¹². During the same year *The Works of the Late Aaron Hill, Esq.*¹³ was published for the benefit of the family.

The evidence, then, is not sufficient to justify a positive statement that *The Fatal Extravagance* is entirely the product of Hill. In fact, there is a strong probability that Mitchell did at least an appreciable part of the work.

¹¹ Cibber, *op. cit.*, V, 255.

¹² *Ibid*, V, 255, 265, 274-75.

¹³ In four vols.

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RESEARCH STUDIES of the STATE COLLEGE OF WASHINGTON

Volume XIII

September, 1945

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MILTON'S PRELAPSARIAN ADAM

MURRAY W. BUNDY

Professor of English

When in 1674 Milton created Book VIII of *Paradise Lost* by the division of Book VII at l. 640, he more clearly defined his epic structure by assigning to a single book materials which constitute an artistic unit. Thitherto they had seemed primarily parts of the creation story. The formation of a new book beginning with Adam's doubts concerning God's cosmic economy and ending with the rebuke of his uxoriousness focused the attention, immediately before the temptation, upon the *ethos* and the *dianoia* of the protagonist. We may study "original righteousness" before the Fall.

This is not to assert that the plan of an epic of ten books was artistically faulty. The discussion of astronomy, Adam's account of his first consciousness, his translation to the garden, his talk with God, and the creation of Eve, and the lover's ecstasy which brought the angelic rebuke—all of these are parts of the creation theme. The seeming digression concerning astronomy, for example, may be read as a kind of critical retrospect, after the elaboration of Genesis 1, before the development of the central theme in terms of the two human actors; and Adam's story, culminating in the creation of Eve, had been for Milton, since the time of the plans in the Cambridge MS,¹ essentially a part of the narrative of creation. Those dramatic plans, indeed, seem to point to the difficulty of finding the right place in a tragedy for "the creation of Eve, with their love and marriage."² There is no question, then, of the poet's original intention in having included all of these materials in a book of nearly thirteen hundred lines. It is more important to determine why he divided the book. We

¹ See the third and fourth drafts conveniently reproduced in J. H. Hanford, *A Milton Handbook*, 3rd ed. (New York, 1941), pp. 183-86.

² Cf. Act 2 of the third draft, "Chorus sing the marriage song and describe Paradise," the only action of this act, with a passage of what is apparently the first act of the fourth draft, wherein Paradise is described and the Angel Gabriel related "what he knew of Man, as the creation of Eve, with their love and marriage." Having determined that "the battle and victory in Heaven" must be the theme of the second act, Milton is trying to find a place for congenial but essentially undramatic materials.

may, of course, assume with Verity that, in making an epic of twelve books, the poet arrived "at a more Virgilian number."³ This, however, is to attribute to Milton an anxiety about formal pattern which he reveals nowhere in his other poems, save, perhaps, in the sonnets; and, in stressing the Virgilian model, it ignores the poet's professed intention of vying with Tasso, who had written an epic of twenty books.⁴

If the reader is reluctant to believe that Milton was eager to have the right number of books, he may be attracted to another possible explanation: that the artist was conscious of the disproportionate length of two of the original books (VII with 1293 lines and X with 1550 lines). To appeal to a consideration of mechanical symmetry and proportion is, again, to ignore the evidence of the other poems. Only in the immortal pair of lyrics of the college days can one find such formal symmetry; and *Paradise Regained* is evidence of the poet's comparative indifference, in his mature genius, to this consideration. If he had thought in 1674 that two books were too long, it is probable that he would have considered three books (VII, 640 ll., VIII, 653 ll., and XII, 649 ll.) resulting from the division too short; and one of the original books (IX, 1189 ll.) too long.

One is more likely to find the explanation of the change in Milton's desire to clarify his intention. By beginning a new book with Adam's criticism of God's cosmic plan and ending, as we shall see, with a comparable criticism of the creation of Eve, the poet shifted the attention from the creation as such, God's plan, to man's capacity to understand and willingness to accept that plan. In this greatest of all tragedies, the chief actor could not be presented as a passive agent in a conflict of supernatural forces, the mere dupe of a skillful antagonist and the victim of feminine charm. Here, just before the temptation, an entire book is devoted to a study of Adam's intellectual and moral nature, his rationality as one made in the image of his Maker, and his "liability to fall"⁵ with which man was created. To bring together materials supporting this generalization is the purpose of this study.

We may understand this intention more clearly by sensing the balance which the poet achieved by thus segregating and focusing this

³ Milton's *Paradise Lost*, ed. A. W. Verity (Cambridge, 1910), Intro., p. xlvii.

⁴ *Reason of Church Government*, Book 2, Preface, in *Prose Works*, ed. St. John.

⁵ *Christian Doctrine*, Chap. XI, in *P. W.*, IV, 253: "This sin originated, first in the instigation of the devil, . . . Secondly, in the liability to fall with which man was created."

material at this point. In Book IV, just before the dream-temptation of Eve—and just before the poem reaches the first of two great moments of dramatic conflict on earth—the attention is concentrated upon Eve's intellectual and moral nature.⁶ Here, in Book VIII, just before the actual sin, to which the dream-temptation had been the prelude, and at a comparable point in the second half of the poem, the reader is invited to study Adam *alone*.

The reader must remember that, immediately after Adam had introduced his doubts concerning celestial motions, Eve suddenly left, ostensibly because she preferred to have her astronomy at second hand, counting on her spouse to "intermix Grateful digressions and solve high dispute with conjugal caresses."⁷ Milton is at pains to assure us that she was not bored and that she was capable of listening to high discourse.⁸ All of this strikes one as curious, especially when it is recalled that in Book IV Eve, star-gazing, had been similarly perplexed by this question of cosmic economy:

But wherefore all night long shine these, for whom
This glorious sight, when sleep hath shut all eyes?
(*P. L.*, IV, 657-58)

Adam at the time had suggested an explanation, even before Raphael had told his story, as succinct as the teacher could have given.⁹ It is clear, then, that Adam and Eve had already shown great interest in the kind of doubt with which Book VIII begins. Why, then, is she unwilling to remain to hear the answer of an expert?

There are two explanations, both of which point to the poet's conscious art. By representing Eve as reluctant to undertake again this matter of "high dispute" without the antidotes of "grateful digressions" and "conjugal caresses," the poet reminds the reader that this is a subject which has already been considered in the earlier analysis of Eve's mental state. By causing her to withdraw, he invites our entire attention to Adam as he opens the new book with his variant of a question first proposed by Eve.

II.

We come now to an analysis of Book VIII as primarily a study of the protagonist on the eve of temptation.

⁶ See Murray W. Bundy, "Eve's Dream and the Temptation in *Paradise Lost*," *Research Studies of the State College of Washington*, X (Dec., 1942), 273-91.

⁷ *P. L.*, VIII, 50-57.

⁸ *P. L.*, VIII, 48-50.

⁹ *P. L.*, IV, 661-88.

To understand the first theme, the inquiry concerning celestial motions, the reader must keep in mind the dominant impression which Raphael had sought to create in his account of creation. This is not primarily a poetic elaboration of a few verses in Genesis or an attempt to vie with Tasso, Du Bartas, and others in the handling of the creation theme as part of the Christian epic. It is part of a story in which a heavenly teacher has been sent to warn man and, as part of his commission, to impart such knowledge as would enable him to withstand temptation.¹⁰ The emphasis today upon a search for Milton's sources in hexameral literature and the like distracts the attention from the central theme of Book VII, the instruction by an angelic teacher of Adam and Eve on the eve of temptation.

Although Adam at the outset affected a healthy curiosity,¹¹ he was at the same time perplexed to know

what cause
Mov'd the Creator in his holy Rest
Through all Eternity so late to build
In Chaos.

(VII, 90-93)

He already entertains, one observes, a theology (orthodox, indeed) of a self-sufficient Deity; and this is at odds with his conception of divine creative activity. Raphael's reply in his narrative keeps in mind the mental state of the inquiring pupil. God is represented as saying:

I can repair
That detriment, if such it be to lose
Self-lost, and in a moment will create
Another World, out of one man a Race
Of men innumerable, there to dwell,
Not here, till by degrees of merit rais'd
They open to themselves at length the way
Up hither, under long obedience tri'd,
And Earth be chang'd to Heav'n, and Heav'n to Earth,
One Kingdom, Joy and Union without end.

(VII, 152-61)

This is the theme emphasized in the account of the creation story: it is in part compensation for a loss, but it is much more. Raphael's prologue to his narrative of creation is God's proclamation of a new world, the apex of which is man; and man is called upon both to understand the plan and to subordinate his will to the realization of

¹⁰ *P. L.*, V, 229-45.

¹¹ *P. L.*, VII, 61-62.

that plan, the inauguration of a new Heaven on earth. He is called upon to assume his creative role in the exercise of both his understanding and his will.

The narrative, then, is primarily didactic: instruction in God's ways as the necessary condition for obedience. Man must learn, for example, that the apparently great may exist for the sake of the apparently small. Light comes first as the condition of subsequent acts of creation, and the first day is the "Birthday of Heav'n and Earth."¹² The separation of Heaven and Earth becomes, in turn, the condition of life on earth, and the specific creation of two great lights makes possible both the distinction of "Glad Evening and glad Morn"¹³ and the whole process of biological generation, the acme of which, "the end of all yet done," is to be Man:

a Creature who not prone
And Brute as other Creatures, but endu'd
With Sanctity of Reason, might erect
His Stature, and upright with Front serene
Govern the rest, self-knowing, and from thence
Magnanimous to correspond with Heav'n,
But grateful to acknowledge whence his good
Descends, thither with heart and voice and eyes
Directed in Devotion, to adore
And worship God Supreme, who made him chief
Of all his works.

(VII, 506-16)

Raphael's narrative from beginning to end emphasizes the dignity of Man and insists that that dignity can be achieved only through an understanding of a Divine plan and willing obedience. Man, "endu'd with Sanctity of Reason," must understand this cosmic law of the subordination of means, however dazzling, to the prime end, "the Master work" capable of governing the rest since he is "self-knowing," and, in consequence, "Magnanimous to correspond with Heav'n."¹⁴ He will then be able to recognize God's purpose in having created a vast universe for the sake of its human habitant. This magnanimity

¹² *P. L.*, VII, 256.

¹³ *P. L.*, VII, 386.

¹⁴ Milton has in mind the magnanimous man of Aristotle's *Nichomachean Ethics*, IV, vii; cf. *Samson Agonistes*, 522-25:

when in strength
All mortals I excell'd, and great in hopes
With youthful courage and magnanimous thoughts
Of birth from Heav'n foretold. . .

of temptation. Because we forget the epic setting we are shocked when we read Raphael's reply with its apparent obscurantism:

Solicit not thy thoughts with matters hid,
Leave them to God above.

(VIII, 167-68)

We must remember that he is carrying out his instructions. Adam had assumed a geocentric universe as the result of his superficial observations, and he had presumed, again superficially, to question the wisdom of a Creator in having contrived a universe in which the greater and brighter planets serve the smaller and less bright. In his answer to his wife's perplexity propounded in Book IV, he had already shown a capacity for arriving at the right explanation; but at this moment, perhaps as a result of the colloquy with Eve, he is prone to question a cosmic plan which demands the recognition of his primacy among creatures as the necessary condition of obedience.

Patiently, in more direct terms, the Raphael of Book VIII reiterates the general truths which he had presented in the narrative: "that Great or Bright infers not Excellence,"¹⁶ that the Earth, although apparently much smaller than the Sun, may contain more solid good, that the Sun has no effect upon itself, but upon the Earth, where its beams, "unactive else, thir vigor find."¹⁷ Once again he stresses the main theme:

Yet not to Earth are those bright Luminaries
Officious, but to thee Earth's habitant.

(VIII, 98-99)

Patient repetition, with new emphasis, is part of the skill of the angelic teacher.

Soon thereafter Raphael introduces the well-known reference to the Copernican hypothesis:

What if the Sun
Be centre to the World, and other Stars
By his attractive vertue, and their own
Incited, dance about him various rounds?

(VIII, 122-25)

This has been repeatedly discussed as primarily indicative of the poet's interest in the new astronomy as an alternative to the Ptolemaic system and a more adequate explanation of cosmic phenomena.¹⁸ Properly

¹⁶ *P. L.*, VIII, 90-91.

¹⁷ *P. L.*, VIII, 91-97.

¹⁸ See McColley, *op. cit.*

viewed as a part of the teacher's answer to his pupil, it is neither an alternative nor an explanation. It is hypothesis for the sake of argument, as a reply to Adam's superficial reasoning. Let us assume, says the teacher, that the sun is saved his labor, about which you have complained, and that the "Earth industrious of herself fetched day."¹⁹ In such a heliocentric universe, in which suns and moons, communicating male and female light, animate the world, you are faced with a similar difficulty in explaining God's plan in terms of a human conception of cosmic economy. You must contemplate either "such vast room in Nature unpossesst," or, as the necessary alternative, other inhabited globes.²⁰ In thus deliberately creating a logical dilemma, Raphael is not concerned with the correctness or incorrectness of the heliocentric theory, but with a pragmatic consideration, the preparation of Adam to undergo a test which will involve both intellectual and moral qualities. He must first make his pupil conscious of his faulty logic: to assume, for the sake of argument, that the sun is the center and that it does not merely officiate light involves difficulties as grave as those involved in the acceptance of Raphael's account. At the particular moment the attention must be fixed on the central theme, the dignity of man guaranteed by the purpose of the plan, his creation as its apex. Obedience, in turn, the condition of happiness for that creature, is contingent upon his admiration of the wisdom of the Maker. When Raphael warns, "Think only what concernes thee and thy being," he is not decrying scientific investigation. He is attacking only an idle and superficial speculation which leaves the pupil in a state of perplexity and doubt when the enemy is at the door.

Adam, we are told, was "cleer'd of doubt." Although his reply gives no hint of dissatisfaction, and is, in fact, an admirable summary of the lesson by an apt pupil, it may be regarded, along with Eve's reply in the comparable situation in Book IV, as graceful acquiescence.²¹ One must not overlook the self-justification which immediately follows:

But apt the Mind or Fancy is to rove
 Uncheckt, and of her roving is no end;
 Till warn'd or by experience taught, she learn. . .
 (VIII, 188-90)

In terms of seventeenth-century psychology the pupil is represented as

¹⁹ *P. L.*, VIII, 137.

²⁰ *P. L.*, VIII, 140-58.

²¹ See Bundy, *op. cit.*, p. 284.

defending himself on what for Milton were familiar grounds: it is only natural that a man's fancy, that unstable part of the soul, should have led him to idle speculation. There are two faults here: he has blamed the aberrations of fancy, when he should have blamed his faulty reasoning, and he has attempted to excuse himself on the ground that it is natural to give play to the fancy, a justification which would have been tolerated by no reputable seventeenth-century moralist.²² There follows that curious "till warn'd or by experience taught. . . ." He has been warned. Why, then, does he add "by experience taught" since the anticipation of experience involves a curious anachronism? Perhaps at this point the poet is speaking and pointing to an indisputable fact about human nature: that man—as typified by Adam even before the fact of original sin—is incapable of accepting instruction without its complement, experience, the process to be described at length in Books IX and X. This introduction of an alternative to instruction, experience, significantly unchallenged by Raphael, must, indeed, be taken into account in any complete record of Milton's conception of man's "original righteousness." There is also a note of danger as Adam turns with too great alacrity from "this high pitch" and proposes a less strenuous subject, his own story.

III.

We proceed now from this initial consideration of "sinless" Adam contemplating God's creation of a macrocosm, to the central theme of the book, his account of his own creation. This involves his first consciousness (ll. 253-87), the dream during which he is conveyed to

²² Cf. John Flavel, *A Treatise on Keeping the Heart* (New York, n. d.), p. 67: "And amongst all the faculties of the soule most of the disquiet and unnecessary trouble of our lives arises from the vanity and ill government of that power of the soule which we call imagination and opinion, bordering between the senses and our understanding; which is nothing else but a hollow apprehension of good or evil taken from the senses. Now because outward good or evil things agree or disagree to the senses, and the life of sense is in us before the use of reason, and the delights of sense are present, and pleasing, and suitable to our natures: Thereupon the imagination setteth a great price upon sensible good things. . . ." See also R. Sibbs, *The Soules Conflict with Itselfe* (4th ed., London, 1651), p. 157: "Beg of God a mortified fancy. A working fancy (Saith one) how much sooner it be extolled among men, is a great snare to the soul, except it work in fellowship with right reason and a sanctified heart. The fancy is the power of the soul, placed between the senses and the understanding; it is that which first stirs itself in the soul, and by its motions the other powers of the soul are brought into exercise: it is that in which they are first formed, and as that is, so are they. If imaginations be not first cast down, it is impossible that every thought of the heart should be brought into obedience to Christ. The fancy is naturally the wildest and most untameable power of the soul."

the garden (ll. 288-311), and his talk with God (ll. 311-452) involving the dialogue concerning solitude. It is separated from the last third of the book by a trance during which Eve is created (ll. 452-80).

At the outset, after the angel's gracious excuse for listening, his absence from Heaven on the sixth day, Adam describes a setting which invites comparison with the corresponding portion of Book IV:

As new wak't from soundest sleep
Soft on the flow'ry herb I found me laid
In Balmy Sweat. . . .

(VIII, 253-55)

The reader will recall Eve's account to Adam of her first consciousness:

That day I oft remember, when from sleep
I first awak't, and found myself repos'd
Under a shade on flow'rs. . . .

(IV, 449-51)

The artistic intent is unmistakable: the poet wishes the reader to compare the states of mind of these two human agents in the drama of the Garden as each starts into consciousness on a bed of flowers.

In the earlier account, Eve is represented as only for a fleeting moment

much wond'ring where
And what [she] was, whence thither brought, and how.

(IV, 451-52)

Quickly attracted by the sound of running water, she makes her way to a pool and lies down on a green bank. There, pleased by her own reflection in the clear, smooth lake, she is in danger of pining in vain desire for her own image; but a voice warns her that she is falling in love with a shadow. Her guide forthwith takes her to Adam, who at first glance, compared with the "smooth wat'ry image," is to Eve "less fair, less winning soft, less amiably mild."²³ This is the substance of Eve's reminiscence in Book IV.

Adam tells Raphael that his first impulse was to gaze toward heaven:

Straight toward Heav'n my wondering Eyes I turn'd,
And gaz'd a while the ample Sky, till rais'd
By quick instinctive motion up I sprung,
As thitherward endeavouring, and upright
Stood on my feet.

(VIII, 257-61)

²³ *P. L.*, IV, 479-80.

Looking around him, he immediately takes in his environment. Then comes self-consciousness, first expressed in lively physical activity, and quickly issuing in the behavior of a rational being; he speaks, and gives names to objects,²⁴ beginning with the Sun, "faire Light," and then proceeds—this is significant—in these first sentient moments to infer from these evidences of creation an omnipotent Creator:

Tell, if ye saw, how came I thus, how here?
Not of myself: by some great Maker then,
In goodness and in power praeëminent.

(VIII, 277-79)

He would know this Maker that he may adore Him; and when the desire is not immediately satisfied, again he sits upon a bank of flowers, where sleep and a dream follow, involving the translation to the garden.

Eve, on the contrary, never arrives in her first experience at complete self-consciousness, a sense of herself as thinking subject in relation to objects to be apprehended. She is seemingly incapable of entering upon the train of thought which would infer a Creator to be adored. We would call her today an extreme introvert, in danger of Narcissism, from which she is saved by a warning voice and the sight of Adam.

Adam, on the other hand, is a healthy extrovert, aware of his environment, bringing into play his whole sentient being, and from the outset enjoying the exercise of his Divine prerogative, Reason. Man—specifically Man—was made in the image of his Maker.²⁵

The next portion of this central third of the Book is enclosed within a dream involving Adam's translation to the Garden and a trance during which Eve is created. At first glance, this dream seems to be primarily a means of enabling the poet to incorporate into Adam's narrative part of the account in Genesis 1: "And the Lord God planted a garden eastward in Eden; and there he put the man whom he had formed."

²⁴ Cf. *C. D.*, Chap. VII, in *P. W.*, IV, 195: "Man being formed after the image of God, it followed as a necessary consequence that he should be endued with natural wisdom, holiness, and righteousness. . . . Certainly without extraordinary wisdom he could not have given names to the whole animal creation with such sudden intelligence."

²⁵ Cf. *Tetrachordon*, in *P. W.*, III, 324-25: "It might be doubted why he saith, 'In the image of God created he him,' not them, as well as 'male and female' them; But St. Paul ends the controversy, by explaining, that the woman is not primarily and immediately the image of God, but in reference to the man: 'The head of the woman,' saith he, 1. Cor. xi., 'is the the man;' 'he the image and glory of God, she the glory of the man;' he not for her, but she for him."

It is an example of the skillful use of an epic device; but its primary importance is in suggesting again comparable materials in Eve's experience recorded in Book IV. There Satan had been presented as

Squat like a Toad, close to the ear of Eve:
Assaying by his Devilish art to reach
The Organs of her Fancy, and with them forge
Illusions as he list, Phantasms and Dreams. . . .

(IV, 800-03)

This is a devil-inspired dream, the details of which are recorded at the beginning of Book V. Adam's experience, recounted here in Book VIII, is a God-given dream.²⁶ Eve's dream, coming after several days in the garden, is composed of the materials of her experience, including her thwarted impulses and her recent talk with Adam.²⁷ Adam's dream, in contrast, can have no source in experience, but is an immediate response to his demand for a Maker to adore. God calls upon his creature to rise, takes him by the hand, and, carrying him "over fields and waters, as in Aire," leads him to the Garden. There, when he sees "each tree loadn with fairest fruit, that hung tempting," sudden appetite is stirred in him "to pluck and eate." Thereupon he wakes to find his dream a reality; and God, revealing Himself as "author of all this thou seest," makes the bequest of the Garden, prohibits the fruit of the one tree, and gives him lordship of all other creatures.²⁸

This divine dream is at each point contrasted with Eve's experience. Her dream, unlike Adam's, is a dream of night. She is also called by a Voice (which she mistakes for Adam's) to walk by night to appreciate the stars, shining "in vain, if none regard." Adam, on the contrary, whose first impulse had been to look up at the sun and then to seek the source of light and his own being, is led in his dream to contemplate the glory of his Creator through his gifts. Eve, whose first impulse was to admire herself, is tempted in a dream to present herself to nature as an object of adoration. Like Adam, she is led by her guide to a tree—here the tree of interdicted knowledge—and, like him, is tempted to pluck and eat. Adam finds his dream translated into reality, and the appearance of his guide forestalls wandering, presents an object of religious adoration, and introduces a prohibition which is to be the test of obedience. Eve's guide—present only in her dream—

²⁶ For the distinction of supernatural dreams, see Moses Amyraut, *Discours sur les songs divins* (Saumur, 1656), tr. by James Lowde, *A Discourse concerning the Divine Dreams* (London, 1676); see also Bundy, *op. cit.*, p. 277, *passim*.

²⁷ *Ibid.*, p. 280 ff.

²⁸ P. L., 311-48.

offers only forbidden fruit and incites to disobedience. In response to impulses already apparent in her talk with Adam, she is promised, not a God to adore, but an idolatry of which she will be the object:

be henceforth among the Gods
Thyself a Goddess.

(V, 77-78)

Unlike Adam, Eve "could not but taste," whereupon she was led up into the clouds, to wake, finding no guide, and happy only to find that this was only a dream.

Why this studied contrast involving voices, guides, trees, and their fruits, and adoration, religious and idolatrous? In the light of the fact that Eve's dream is woven out of the materials of experience and Adam's is in response to his first impulse as a sentient being, the conclusion is unmistakable: Milton thus points out that Adam at the moment of his creation was not susceptible to the kind of temptation to which Eve's dream showed that she was susceptible.²⁹

The next portion of this central section of the book, still concerned with Man before the creation of woman, may be called, in Milton's language, a good temptation, a trial by the Creator of his creature to see whether he is good. Now it is true that the poet, following the Biblical formula in Genesis 1, introduces the Divine benediction after the account of each day, "He saw that it was good," and the comprehensive "Behold all was entirely good" at the end of the sixth day must therefore include "man both male and female." When, however, in Book VIII he turns to Genesis 2, with its account of separate acts of creation of man and woman, he seemingly ignores the implication of Genesis 1:27 and represents God as trying Adam specifically (before the Creation of Eve) to see whether *he* is good.

We have said that this is a good temptation. In harmony with Protestant thought in his day, Milton later wrote in *Christian Doctrine*:

A good temptation is that whereby God tempts even the righteous for the purpose of proving them, not as though he were ignorant of the disposition of their hearts, but for the purpose of manifesting their faith or patience. . . .³⁰

²⁹ Of course, we must remember that we are invited to compare Adam, newly created, with Eve after experience had intervened. The same kind of consideration, however, leads one to observe that we are also invited to compare this account of Adam on the day of the creation with an Adam who, as we have seen, after experience was capable of questioning God's cosmic plan, and who is about to reveal an even more dangerous state of mind in his talk about the creation of Eve.

³⁰ *P. W.*, III, 209.

Both faith and patience, as well as rational capacity, are tested in this first colloquy with God in the garden; and at its end God tells Adam:

Thus far to try thee, Adam, I was pleas'd,
And find thee knowing not of Beasts alone,
Which thou hast rightly nam'd, but of thyself,
Expressing well the spirit within thee free,
My Image. . . .

(VIII, 437-41)

A moment later this is called a "trial":

To see how thou couldst judge of fit and meet

We must, then, read the entire passage (ll. 357-452), not primarily as a study of Milton's use of Biblical materials, but as a trial by God—and Milton—of the original goodness of man.

Adam, having sought to name a creator of all good gifts, suddenly expresses his anxiety that there is no one to partake of all this bounty with him:

In solitude
What happiness, who can enjoy alone,
Or all enjoying, what contentment find?

(VIII, 364-66)

For Milton, social consciousness came early in Paradise. When God reminds Adam that his realm is large, that he knows the languages and ways of inferior creatures, and that they "also know and reason not contemptibly," man, in spite of the peremptory tone, persists:

Among unequals what society
Can sort, what harmony or true delight?

(VIII, 383-84)

Adam asks for a fellowship

fit to participate
All rational delight, wherein the brute
Cannot be human consort.

(VIII, 390-92)

In the reply, Milton comes dangerously close to sentiments not in keeping with Divine attributes: almost in sarcasm God accuses Adam of "a nice and suttile happiness" in proposing to taste "no pleasure, though in pleasure solitarie"; and He asks whether He can, then, be called happy, since "alone from all Eternitie" He can hold converse only with creatures who to him are inferior:

infinite descents
Beneath what other Creatures are to thee?

(VIII, 410-11)

It is a dilemma calculated to confound any disputant incapable of right reason. Adam has a ready reply: since there is no deficiency in God, there is no need for Him to repair a deficiency:

No need that thou
Shouldst propagate, already infinite
And through all numbers absolute, though One.
(VIII, 419-21)

With man it is quite different:

But Man by number is to manifest
His single imperfection, and beget
Like of his like, his Image multipli'd
In unity defective, which requires
Collateral love, and dearest amity.
(VIII, 422-26)

As evidence of Adam's goodness, his creation in the image of his Maker, and hence his capacity for self-knowledge, Milton has given to this newly created man the poet's own philosophy of marriage.³¹ Adam also reminds God that, under no necessity of seeking social communication, He can, if He will, raise His creature to the necessary plane for communication, whereas Man cannot. To this there is hardly an answer save the alternatives of deifying man or acceding to man's request. Thereupon God acknowledges that all of this was only to try him.

Milton's intention becomes apparent when one observes the liberty which has been taken at this point with the Biblical narrative. In Genesis 2:18 God recognizes that "it is not good that Man should be alone."³² The poet does much more than elaborate the passage. He makes the recognition of this truth by Adam and his ability to justify it on logical grounds the test of man's goodness. It is true that here at the end of the dialogue God tells Adam that He knew all of this and that He intended for him "no such company as then thou sawst"; but the dialogue strongly implies that God can grant only as man, made in His image, can through his rational nature frame and defend his petition. Since he has been found "knowing not of Beasts alone . . . but of thyself," since he can "judge of fit and meet," Man, found good, will be given—Eve. Here at the heart of Book VIII is Milton's great

³¹ See *Doctrine and Discipline of Divorce*, Chap. XI.

³² *P. W.*, III, 329-30: "'It is not good' God here presents himself like to a man deliberating; both to show us that the matter is of high consequence, and that he intended to found it according to natural reason, not impulsive command; . . . 'Not good' was as much to Adam before his fall, as not pleasing, not expedient." Cf. *Doctrine and Discipline of Divorce*, in *P. W.*, III, 191.

paradox: The test of man's goodness is his ability to anticipate the Divine verdict that "it is not good for Man to be alone" by inferring that Man requires society, that society involves propagation, and therefore a companion. Adam's theoretically desirable woman is a construction of his rational faculty. The fulfillment will be something quite different: not a conception to be comprehended by the reason, but a creature to be apprehended by another, and, for the seventeenth century, a "lower" nature in which appetite, fancy, and passion for the first time came fully into play. This paradox, which can be wrought by God's gift, becomes the subject of the last third of the Book.

IV.

The colloquy with God, the central theme of the Book, had been preceded by a dream. It ends with a trance; or, perhaps better, the third and final portion of this study of Adam begins with a trance. Again, there is deliberate artistic intention. Although in the seventeenth century dreams and trances were sometimes distinguished,³³ they were similar in emphasizing the role of fancy (or imagination) in man's behavior.

Mine eyes he clos'd, but op'n left the Cell
Of Fancy my internal sight, by which
Abstract as in a trance methought I saw, . . .
(VIII, 460-62)

When Adam in his dream sees trees and fruit and is impelled to pluck and eat, and when, in turn, in his trance he sees a creature taking shape "so lovely fair"

That what seem'd fair, in all the World, seem'd now
Mean, or in her summ'd up, in her contain'd, . . .

the poet is reminding the reader that man's behavior as distinguished from his thought is impelled by fancy directing concupiscence or concupiscible appetite: the Divine dream resulted in no act, since, after the stirring of sudden appetite, reality interrupted the normal response.³⁴

Adam's trance had results quite different from those of his dream. The trance was, of course, God-given and therefore could not intend wrong conduct; but we must remember that, in leaving open the cell of fancy, God permitted a first sight of a creature

³³ Cf. *P. L.*, VIII, 292-94.

³⁴ We may add that Eve's devil-inspired dream, in which she was impelled to pluck and eat, also had no immediate consequence since she recognized it as a dream; but, unlike Adam's, the effect upon fancy and appetite prepared the way for the temptation.

Manlike but different sex, so lovely fair
 That what seemd fair in all the world seemd now
 Mean or in her summed up. . . .

This is quite different from the abstract notion of a companion contemplated in the discourse with God. Reason presented to Adam the idea of a woman capable of companionship and propagation. She had no significance for his fancy or his emotions. In his trance, however, the Fancy presented a creature who so powerfully engaged his fancy that any reminiscence of the event prompted extravagant, irrational commendation. Even after one has allowed for the work of the memory during the intervening days (and memory was an aspect of fancy), the fact remains that from the moment that Adam saw Eve in his trance, Fancy entered upon her dangerous work. A rational Adam had sought a reality corresponding to his idea. The very moment of the fulfillment of his desire involved, not the satisfaction of his reason, but the stimulation of fancy, appetite, and passion, and, in this psychological dualism, a commonplace of the seventeenth century, the struggle of these two natures, higher and lower, to dominate the will.

This first sight of seductive Eve in the trance invites comparison with the erotic dream of contemporary poetry: Adam talks like a Cavalier poet, when he exclaims:

Shee disappear'd, and left me dark, I wak'd
 To find her, or for ever to deplore
 Her loss, and other pleasures all abjure.
 (VIII, 478-80)

But he had just told Raphael that his first satisfaction in contemplating creation had led him to seek an adequate name for God, and, when he sought a fellowship, it was to share all of these pleasures with one "fit to participate all rational delight."

Unlike the Cavalier dream, however, Adam's lovely apparition became a reality:

Such as I saw her in my dream, adorned
 With what all Earth or Heaven could bestow
 To make her amiable.
 (VIII, 482-84)

In the exaggerated language of an ecstatic lover, he exclaims:

Grace was in all her steps, Heav'n in her Eye,
 In every gesture dignity and love.
 (VIII, 488-89)

When he turns to thank his Creator, "giver of all things fair," he characterizes her as "fairest . . . of all his gifts." He adds: ". . . nor

enviest." This is to imply that God in giving man the fairest of gifts did not envy man his possession. One may ask what Adam knew about envy. To say this is to think of God as capable of envy. When one turns back to Adam's account of his talk with God, one concludes that this sight of Eve, for the first time engaging the faculties of the lower soul, was playing havoc with his rational nature.

This brings us to another important phase of Milton's analysis of man's "liability to fall": the effect of beauty upon the fancy and hence upon concupiscible appetite and passion. The last, as Saurat has pointed out,³⁵ is an important element in the Miltonic psychology of temptation and sin; but the dualism which sets passion over against reason is historically too simple an explanation. Passion is an ultimate effect. The cause in Adam's case is to be found in the alliance of Beauty with fancy, and the appetites. Nowhere is the poet more typically Puritan than in this distrust of the effects of Beauty upon the concupiscible appetite and the consequent disturbance of the life of reason.

It is a theme first developed in the discourse of Comus with the Lady,³⁶ emphasized in the account of Eve's dream in Book IV of *Paradise Lost*,³⁷ touched upon again in Belial's proposal to tempt Christ by setting women in his eye,³⁸ "Among daughters of men the fairest found," and given pointed exposition in *Samson Agonistes*:

Yet beauty, though injurious, hath strange power
After offence, returning, to regain
Love once possessed, . . .³⁹

There is, perhaps, an autobiographical note as the poet, recalling his early susceptibility to beauty, contemplated the effect upon his life of the attempted realization of his ideal of marriage. We may be hearing Milton as Adam tells the angel:

here passion first I felt,
Commotion strange, in all enjoyments else
Superior and unmov'd, here only weak
Against the charm of Beauty's powerful glance.
(VIII, 530-33)

Specifically, the element disturbing the life of reason in the erotic life is "Beauty's powerful glance." It is beauty again which Adam names, immediately after the sin, as inflaming his sense

³⁵ Denis Saurat, *Milton: Man and Thinker* (New York, 1925), pp 56-58

³⁶ See ll. 737-51.

³⁷ *P. L.*, V, 35-63; cf. Bundy, *op. cit.*

³⁸ *P. R.*, II, 153-54.

³⁹ Ll. 1003-05.

With ardor to enjoy thee, fairer now
Then ever, bountie of this vertuous Tree.⁴⁰

Having made this confession to the angel, Adam offers three possible explanations:

Or Nature fail'd in mee, and left some part
Not proof enough such Object to sustain,
Or from my side subducting, took perhaps
More than enough; at least on her bestow'd
Too much of Ornament.

(VIII, 534-38)

He is asserting that either he was created deficient, or the creation of Eve made him deficient, or Eve was too beautiful! All three not only evade the issue of man's moral responsibility, but, like Adam's questioning of celestial motions, they constitute criticisms of God's creative acts. Immediately, however, he adds that he knows that she is the inferior both "in the mind and inward faculties" and in outward qualities as "resembling less His image who made both." This might for the moment have forestalled Raphael's rebuke; but with the image of the beloved fair dominant in his fancy, he utters extravagances comparable to the erotic poetry of Milton's day:

yet when I approach
Her loveliness, so absolute she seems
And in her self compleat, so well to know
Her own, that what she wills to do or say,
Seems wisest, virtuousest, discreetest, best.

(VIII, 546-50)

After Raphael's efforts to impress upon Man his true nature, subordinate to his Maker, but superior to all other creatures, this is the result: Eve not only seems "absolute" and "self-compleat," but, according to the superlatives of this harshest succession of sibilants in English verse, her will rather than God's is the *summum bonum*. What follows is even more serious:

All higher knowledge in her presence falls
Degraded, Wisdom in discourse with her
Loses discount'nanc't, and like folly shows;
Authority and Reason on her wait,
As one intended first, not after made
Occasionally; and to consummate all,
Greatness of mind and nobleness thir seat
Build in her loveliest, . . .

(VIII, 551-58)

⁴⁰ P. L., IX, 1032-33.

This is something much more dangerous than the glorification of Love and Beauty reminiscent of the Cavalier lyric: it is not only a denial of God's purpose in the order of the two human creations, but it is a repudiation of the order, in that plan, of Wisdom and Beauty, an order which Eve had already acknowledged in her acquiescence to the superiority of Adam:

How beauty is excell'd by manly grace
And wisdom, which alone is truly fair.

(IV, 490-91)

The tragic seriousness in all of this lies in the complete degradation of Wisdom, the personification of higher reason associated in the poet's mind with Urania:

Descend from Heav'n Urania, . . .
Thou with Eternal Wisdom didst converse,
Wisdom thy Sister, and with her didst play
In presence of th' Almighty Father, . . .

(VII, 1 and 9-11)

Here Adam is asserting that, in discourse with Eve, Wisdom, sister of Urania, would not only lose but look ridiculous. Eve was so emphatically the prime creation, the acme of all creation, that Authority and Reason would seem to be only the handmaids of this goddess. She is the consummation of all creation in alone possessing that very magnanimity which Raphael had already, in his account of the creation of man, named as the chief virtue of Man, the effect of rational self-knowledge.

Raphael's stern rebuke is first directed at this gratuitous degradation of Wisdom:

Accuse not Nature, she hath done her part;
Do thou but thine, and be not diffident
Of Wisdom, she deserts thee not if thou
Dismiss not her, when most thou need'st her nigh,
By attributing overmuch to things
Less excellent, as thou thyself perceiv'st.

(VIII, 561-66)

The head of Adam's offence lies, then, not alone in his preference for Beauty, but in his diffidence or, literally, lack of faith in wisdom. Here Milton reveals his familiarity with Protestant discussions of temptation, and specifically with one of the temptations of Christ, lack of faith (*apisteia*) in the source of all strength.⁴¹ Christ preserves his

⁴¹ See A. H. Gilbert, "The Temptation in *Paradise Regained*," *J. E. G. P.*, XV (1916), 599-611.

faith in the first temptation through self-knowledge, i.e., the consciousness that he is the Son of God. This is His "greatness of mind and nobleness," His magnanimity. The second Adam will triumph, through faith, over the temptation to which the first Adam succumbs. Book VIII prepares the reader for the tragedy of Book IX by presenting a protagonist whose *hamartia* is in part *apisteia*, a lack of faith in his own nature and in that wisdom to which he might have turned in his hour of trial. Having confused, in his uxoriousness, the roles of Beauty and Wisdom, preferring the judgment of fancy and concupiscence to that of reason, he was no longer able to recognize wisdom as Man's prerogative. The first sight of Eve and the stimulation of the "lower nature" bring the fatal preference for beauty; and in Book IX, as the result, all higher knowledge falls degraded, Wisdom in discourse with her loses discountenanced, and Authority (God's command) and Reason (Man's prerogative) are reduced to ancillary roles. In this distortion of values they become Eve's handmaids.

Eve, however, never makes this mistake of reversing the right order of Wisdom and Beauty. Conscious of inferiority, she knows that Wisdom is higher, and deceived by the sophistry of Satan, she accepts forbidden fruit as having virtue to make wise, and, after the sin, she worships the tree as the wisdom-giving plant. She seeks deliberately to disturb the Divine plan by which

beauty is excell'd by manly grace
And wisdom which alone is truly fair.

Adam, on the other hand, "against his better reason" was "fondly overcome by female charm."

V.

Thus Book VIII, truncated in 1674 from the creation story, to which it had apparently been only a long appendage, can be seen in its proper relation to the catastrophe of Book IX. It is primarily a study of Adam's *ethos* before the Fall. Like the Eve of Books III and IV, he had his "liability to fall." First, in the questioning of the astronomy there was a tendency to superficial judgment based upon the evidences of the senses, a preference for the less excellent because it was bright, and the consequent criticism of God's plan, which had demanded recognition of man's primacy.

Finally, there was fatal concupiscence, involving the preference of Beauty to Wisdom, and, again, a repudiation of the divine plan

through his lack of faith in this primacy. These two criticisms, the one at the beginning of the cosmic creation with its principle of order and subordination, the other at the end of the human creations, with their comparable principles of subordination, motivate the disobedience of Book IX.

Between these two presentations of a potentially sinful Adam, we find artistically set off by a dream and a trance (preludes to the full play of fancy) an Adam at the moment of creation, endowed with sanctity of Reason, in talk with his Maker, proving his goodness by inferring the need of a companion. God gave him Eve, and, with her advent, the occasion for the activity of the whole sentient being—fancy, concupiscence, the affections—and the inevitable conflict in this psychological dualism with his rational nature. This was the necessary price of sweet society. Thus, in the book which precedes the account of the fall, Milton presents his great paradox.

THE ETHICAL IDEAS OF TIMOTHY DWIGHT

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Timothy Dwight, distinguished president of Yale College from 1795 to 1817 and noted intellectual and spiritual leader of his time, was, like many of his contemporaries, a man of well-defined and precise views in a variety of fields. Although his professional interest was theology, he expressed himself pointedly and directly upon the late eighteenth-century issues of education, economics, science, philosophy, politics, and literature, his point of view being determined, of course, by the common denominator of religious and moral principle.¹ It is not surprising that the breadth of his intellectual and practical interests, the nature of his professional work, and the cross currents and emphases of deistic and scientific thought of the late eighteenth century should have led him to the field of philosophic argument, particularly in its relation to revealed religion and to human conduct. One branch of philosophic thought, therefore, which demanded his attention and upon which he expressed himself with thorough conviction, if not dogmatism, was that of ethics. Perceiving the problem of human conduct from an ethical and religious point of view, he dismissed as entirely false any speculation about the problem which was nonreligious in approach. It can hardly be claimed for him that he was an ethical theorist in a strictly professional sense, for he did not develop his ethical ideas in separate, formal treatises. But so thoroughly ethical was his fundamental point of view and so eager was he to "teach" the method of attaining ultimate happiness and virtue that his writings, particularly his sermons, are repositories of a considerable amount of ethical thought.² To be sure, these ideas are inseparably a part of his theological system, but that is not to say that they are incidental or subordinate. Emphatic in denouncing the philosophic ideas of which he disapproved, positive in asserting those in which he believed, Dwight

¹ For detailed studies of Timothy Dwight and his relationship to the age in which he lived, consult Charles E. Cuninghame, *Timothy Dwight* (New York, 1942), and Leon Howard, *The Connecticut Wits* (Chicago, 1943). For background studies, see Preserved Smith, *A History of Modern Culture* (New York, 1934), Vol. II, and Carl Becker, *The Heavenly City of the Eighteenth-Century Philosophers* (New Haven, 1932).

² Harvey Gates Townsend's observations on the difficulty of disentangling philosophy from theology and the necessity of examining nonphilosophic writing for philosophic idea in a study of earlier periods and men are particularly applicable to the writings of Timothy Dwight. See *Philosophical Ideas in the United States* (New York, 1934), Intro., p. 3.

was a spokesman for a narrowed, but, nevertheless, historically important ethical point of view.

I.

It should be observed at the outset that the ethical thought of Timothy Dwight rests squarely upon his deep-seated conviction that human reason alone simply cannot be trusted as a sure and unerring guide in moral and religious questions. He was not original in this view of reason, for he was largely reflecting the prevailing one which had been taught at Yale College during his undergraduate years there.³ Unlike many of his important contemporaries—notably Thomas Jefferson, Thomas Paine, and Benjamin Franklin—he could not exalt reason.⁴ He could not agree with Paine that “the most formidable weapon against errors of every kind is reason.” Natural, or “unregenerated,” reason was an imperfect instrument. Particularly was he scornful of those people who reverentially prostrated themselves before the idea of an infallible reason, but who never attempted to understand what they were paying homage to:

To the astonishment of every sober man, France [during and following the Revolution] has exhibited the spectacle of 25,000,000, of the human race, prostrating themselves with religious reverence before the word, Reason. Had the weakest of these worshippers formed a definition of this term, and by applying it to any thing, to which it was ever applied, given it a meaning; he must have been a mere zoophyte to have continued his homage for a moment.⁵

The greatest danger in trusting reason in religious and moral questions, he believed, was that reason led to grave error. Anticipating that he could be charged with debasing “the importance and usefulness of Reason to a degree beneath what Candour and Justice will warrant,” he argued that one has only to observe what reason has actually done

³ The limitation of reason in ethical thinking was the accepted view at Yale preceding and during Dwight's undergraduate years. Under the influence of President Clap, students were taught that “reason was insufficient as the basis of moral obligation. . . .” For a full treatment of this point, see Woodbridge Riley, *American Philosophy: The Early Schools* (New York, 1907), pp. 209 ff., and Leon Howard, *op. cit.*, pp. 9 ff.

⁴ Dwight could hardly be expected to share the views of Jefferson and Paine, in particular. Paine's deism, Jefferson's religious liberalism, their republicanism, and their broad sympathy with the French Revolution were especially odious to him. See Harry Hayden Clark, *Thomas Paine* (New York, 1944), Intro., pp. xi-xxxiii, for a discussion of Paine's religious and ethical ideas.

⁵ *Travels in New England and New York* (New Haven, 1821), IV, 378. Hereafter referred to as *Travels*.

in order to learn what it is able to do.⁶ Furthermore, reason is not only an imperfect instrument, but it is imperfectly used. Man's nature being what it is, the highest and most admirable use of reason is impossible: A man reasoning, as he actually is, under the real influence of his passions, prejudices, and biases, and not, as he might be, divested of them, exhibits his true character as a reasoning being, and the actual extent, and power, of his Reason. This observation is equally true of all men.⁷

In sharply circumscribing the limits of human reason, Dwight was firmly convinced that all ethical and religious systems arrived at through reason alone were false. Thus polytheism, atheism, deism, and other departures from his orthodoxy were not to be trusted because they had their origins in human reasoning only.⁸ His passion for absolute standard and uniformity in fundamental moral and religious belief compelled him to reject practically all philosophic thought, both ancient and modern. Such great diversity of opinion among ancient philosophers concerning a God and the *summum bonum*, for example, rendered their philosophic systems sterile. The fact that "the greatest and most accurate philosophers of antiquity" differed so greatly in fundamental belief, Dwight maintained, is proof "that not the least reliance can be safely placed, in our religious concerns, on the conclusions of philosophy."⁹ He brought the same charge against modern philosophers, "notwithstanding they have enjoyed the light of revelation."¹⁰ To substantiate his point, Dwight offered in tabulated form the ideas of the leading British deistic philosophers, graphically illustrating what he considered to be the disagreements, contradictions, and absurdities of their belief.¹¹ Not only did they lack agreement on fundamental ques-

⁶ *Theology Explained and Defended, In a Series of Sermons*, 12th edition (New York, 1849), I, 123. Hereafter referred to as *Theology*.

⁷ *Ibid.*

⁸ *Ibid.*, I, 120-22.

⁹ *The Nature and Danger of Infidel Philosophy, Exhibited in Two Discourses, Addressed to the Candidates for the Baccalaureate, in Yale College*, September 9th, 1797 (New Haven, 1798), p. 19.

¹⁰ *Ibid.*, p. 20.

¹¹ *Ibid.*, pp. 20-35. Those philosophers receiving Dwight's attention were Lord Herbert of Cherbury, Hobbes, Blount, Lord Shaftesbury, Collins, Woolston, Tindal, Chubb, Hume, and Lord Bolingbroke. Actually, of course, there was a very considerable uniformity since one chief deistic argument was that one should believe only what all nations in all times had agreed upon. See A. O. Lovejoy, "The Parallel of Deism and Classicism," *Modern Philology*, XXIX (1932), 281-99.

Leon Howard, *op. cit.*, p. 348, contends that Dwight did not have a first-hand acquaintance with these philosophers, but relied upon secondary sources for his analyses. For detailed studies of the rise of deism in America, consult G. A. Koch, *Republican Religion: The American Revolution and the Cult of Reason* (New York, 1933); and H. M. Morais, *Deism in Eighteenth-Century America* (New York, 1934). For a study of Dwight's relation to deism, consult Charles E. Cunningham, *op. cit.*, Chap. IX.

tions, but individual systems were marked by glaring contradictions within themselves. "Amid such diversity," Dwight asked, "whom are you to follow, and what are you to believe?"

As these systems lacked uniformity, so were their teachings "gross and monstrous."¹² Among the doctrines of the ancients, for example, Zeno contended that "the most abominable lewdness is lawful"; Diogenes and the cynics, that sin and shame are not to be attached to lewdness; Plato, that lewdness is justifiable; Cicero, that crime is of slight importance, that war may be made for the sake of fame, and that virtue "consists in the desire for fame." The doctrines of modern philosophers, he argued, were similar in character:

Such is the atheism, which they now consider as the only rational and enlightened philosophy. Such is the scepticism of Hume; the mortality and materiality of the soul; the doctrine, that man is a mere animal; that animal gratification is the chief end of our being; that right and wrong depend solely on the decisions of the magistrate; that ridicule is the test of truth; that we may lawfully get all things, if we can get them safely; that modesty is inspired only by prejudice, and has its foundation in the mere desire of appearing to be superior to animals; that adultery is lawful according to the religion of nature; that there is no wrong in lewdness, except in the highest incest; that God exercises no providence over mankind; and that holiness, justice, goodness, and truth may be defects in the divine character.¹³

These modern doctrines, he continued, are repugnant to common sense and common good, and are "fraught with as much impiety and irreverence to God, and as much evil to mankind, as any doctrines which can be proposed." Re-echoing Cicero, Dwight observed that whenever one encounters such gross absurdities, he discovers that they "have been delivered by some one of the philosophers."¹⁴

To these moral and philosophic systems he applied the standard of utility. He contended that not one system has been of such nature as to have any beneficial effect upon the conduct of man.¹⁵ Not only have these systems failed in this respect, but they have failed likewise to produce beneficial results upon the conduct of those who proposed

¹² *The Nature and Danger of Infidel Philosophy*, p. 36.

¹³ *Ibid.*, p. 37.

¹⁴ *Ibid.* It should be observed that Dwight was attacking only that philosophy which is opposed to Christianity: "Philosophy at large, or the use and attainments of our reason, in the candid and careful examination of every question within the limits of our understanding, so far as it springs from a real desire of investigating truth, and proceeds on satisfactory evidence, is not only undeserving of censure, but deserving of the highest praise."

¹⁵ *Ibid.*, pp. 46-47.

them.¹⁶ Again turning to philosophers of his day, he detailed some of their alleged personal and flagrant sins. He asserted, for example, that the morals of Rochester and Wharton "need no comment"; that Woolston was "a gross blasphemer"; that Blount shot himself when his sister-in-law refused to marry him; that Tindal changed his religion to suit the times; that Hobbes shifted his politics merely for personal gain; that Voltaire asked D'Alembert "to tell for him a direct and palpable lie, by denying that he was the author of the *Philosophical Dictionary*"; that D'Alembert carried out the request. Others from his point of view were equally devoid of moral stability, a fact which attested to the complete insufficiency of their systems.¹⁷ Dwight himself could be charged with inconsistency if not moral laxity at this point. His condemnation of a system because of the imperfect conduct of some of its adherents was a practice he roundly denounced when leveled at the system he so ardently defended. When an antagonist condemned Christianity, for example, because some of its followers were guilty of immoral conduct, he argued that that fact was no indictment of Christianity; on the contrary, it was proof of the evil nature of man.

Thus, in demonstrating the weakness of systems which had their origin in the reason of man, Dwight was, by assertion and by implication, proclaiming the superiority of a system which had its origin in a higher and worthier source. That source was the word of God, which had been made known by divine revelation. Any system which was not based upon that higher authority and which denied revelation was "vain and deceitful." Simply stated, this means that he was merely asserting the superiority of Christian doctrine over other doctrines. If Christian doctrine, he said, "had been liable to so many and so serious objections," it too would have "only added one to the numerous moral systems which have for ages slept the sleep of death in the regions of oblivion." Of course, it can properly be urged against Dwight that he was entirely too inclusive and arbitrary in his rejection of philosophic points of view which were not founded upon scriptural

¹⁶ Dwight contended that a man's true character is reflected by his opinions—that he is no better than the moral opinions which he holds. Occasionally a man appears, he said, who lives a more exemplary life than his opinions warrant, but such a man is not motivated by principle and virtue, but by his desire to achieve reputation before his fellow men. Although he may be honest in his belief, he cannot be considered a virtuous man. If he has "faithfully sought for truth, and as faithfully collected, duly weighed, and candidly admitted, all the evidence within his reach," he is virtuous. But belief in error will not make him virtuous.

¹⁷ See n. 15.

authority. His refusal to credit man with any power to perceive the intricate and delicate problems of human conduct, his refusal to grant that man is capable of contributing to an understanding of those problems, renders man impotent indeed. But his point of view can readily be understood. In the first place, he firmly believed that truth issued only from the revealed word of God. Man need look no further for it. Thus philosophic inquiry into the nature of man and his conduct was rendered unnecessary. Furthermore, his extreme position was determined in large measure by his fear that deism, atheism, and other forms of nonreligious rational thought—which were rapidly gaining ground in America during the eighteenth century and were given popular voice by Voltaire, Thomas Paine, Ethan Allen, and others whom he abhorred—were threatening the very existence of Christian doctrine, a doctrine which he regarded as mathematically exact, forever unchanging, perfect in itself, and perfectly suited to all kinds of men and to all conditions and ages.¹⁸

II.

In turning from Dwight's disavowals to his positive ethical beliefs, one can hardly overemphasize his conviction that man's depravity is the fundamental principle of moral philosophy. If any moral system is to possess any utility, if it is to be efficacious in any way, it must be based upon that principle. The Calvinistic belief in depravity, from his point of view, was not a theory but a demonstrable fact.¹⁹ It is of the utmost importance in any thinking about man:

The first great fact in the science of Man is, that he is a depraved being. *This is the first and fundamental fact*, because out of it arise, and by it are characterized, all his volitions, and all his conduct. Hence every thing, pertaining to Man, is coloured, and qualified, by this part of his moral nature; and no description of him can be true, and no doctrine sound, or defensible, into which this consideration does not essentially enter. Equally true is it, that no system of regulations

¹⁸ See, for example, *The Dignity and Excellence of the Gospel, Illustrated in a Discourse, Delivered April 8, 1812, at the Ordination of the Rev. Nathaniel W. Taylor, as Pastor of the First Church and Congregation in New Haven* (New York, 1812). Reprinted in *Sermons*, Vol. II (Edinburgh, 1828), *passim*.

¹⁹ See *Theology*, I, 435-504, for his arguments on the depravity of man. Dwight modified the Calvinistic doctrine of depravity to the extent that he did not believe man was as depraved as his nature was capable of. Man possesses certain innocent and amiable characteristics, and he will become virtuous or sinful "according to the nature of that controlling disposition, or Energy, which constitutes the moral character." His moral nature depends entirely upon this energy. But in spite of his innocent and amiable characteristics, natural, or unregenerated, man does not possess "any real moral excellence, or Evangelical virtue." See *ibid.*, I, 461 ff.

can be practically suited to him, or fitted to control his conduct with success, or efficacy, which is not founded on the same principle.²⁰

Thus, any view of man which considers him as originally virtuous and which proclaims his natural goodness, is not only false but dangerous. All measures for the regulation of his private and public conduct formed upon such a conception could never be practical. They are "fitted for the inhabitants of fairy land, or the forms which haunt the dreams of a distempered fancy." Man as a depraved being must be governed by stern, restrictive measures if human society is to know any degree of law and order. Dwight cited the course of history as proof of his contention. France, as one example, in attempting to govern its citizens during and following the Revolution by a system based upon the "fundamental folly" of faith in man's natural goodness, experienced the most terrifying chaos, misery, and degradation. In their struggle to become free, people were declared to be good, honest, and virtuous, possessing the purest motives and aiming at the highest ideals. At the very time that these high conceptions of character were being proclaimed, Dwight observed, the people were engaged in "unceasing plunder, uniform treachery, the violation of all laws, the utterance of all falsehood, the murder of their King, Nobles, and Clergy, and the boundless butchery of each other."²¹

The most unsympathetic critic of Dwight will readily admit the directive force of his view of man in his ethical thinking. As a matter of fact, his view was all inclusive, embracing not only the moral aspect, but all aspects of man's well-being. The only way, in his opinion, by which man can improve is to acknowledge his depravity humbly and regulate his conduct accordingly. Only through the regenerative influence of the Christian religion can virtue be implanted in human nature. "From the commencement of this great change in his character," wrote Dwight, "he becomes the subject of evangelical holiness; of real piety, real benevolence, real self-government; or, generally, of real obedience to God."²²

The Rousseauistic view of man's natural goodness, of his superiority and dignity in a "state of nature," certainly met with no approval

²⁰ *Ibid.*, I, 498.

²¹ *Theology*, I, 499. For a complete study of American attitudes toward the French Revolution, see C. D. Hazen, *Contemporary American Opinion of the French Revolution* (Baltimore, 1897).

²² *Theology*, I, 500-01. For Dwight's detailed views of the doctrine of regeneration, how it is effected, what is its nature, its attendants, and its consequences, see *ibid.*, II, 370-558.

in Dwight's ethical thinking. A state of nature, in his opinion, was nothing short of a state of immorality, degradation, chaos, and cruelty. The American Indian, for example, who was often extolled for his moral excellence, exhibited the wretchedness of man in a state of nature. He merely existed in that "middle stage between intellectual and animal existence."²³ His passions "were exactly what nature, cherished by regular and unlimited indulgence, made them."²⁴ He lacked moral conscience; he lacked motives which make moral progress possible; he gloried in cruelty. Detailing a story of Indian torture inflicted upon a Robert Rogers to prove his point that a state of nature was mere savagery, Dwight concluded:

Such was one among innumerable specimens of Indian cruelty. Such are the benefits of that state of savageness, which approximates nearest to the state of nature. Let modern Philosophers look on; and learn here, how romantically innocent, gentle, and amiable, man becomes in this, which they have been pleased to extol, as the state of human perfection. In the next panegyric, which is pronounced on the state of nature by one of these gentlemen, it is to be hoped, that he will recite, as proof of its beneficent and delightful influence, the story of Robert Rogers.²⁵

Dwight employed the eighteenth-century conventional ideas of the pleasures of sense, imagination, intellect, and affections in comparing the relative merits of the savage and civilized states.²⁶ In no instance could he discover any evidence that savage life permitted the satisfaction of any of these pleasures in any appreciable degree. The savage "is as poorly off as it is possible to be" in the satisfaction of the pleasure of sense because he is badly housed, is in constant danger of starvation, is unable to import food if his own supply fails, is unable to engage in improved agriculture, and is subject to all manner of disease. Little in his life will yield any of the pleasures of imagination.

²³ *Travels*, III, 310.

²⁴ *Ibid.*, I, 113 ff. Compare Dwight's attitude with Frencau's. In "Pictures of Columbus" and other poems, Frencau presented the Indian as a romantic and noble figure, unaffected by the evils of civilized society. Jefferson also had an admiration for the Indian.

²⁵ *Ibid.*, I, 426. It should be noted that Dwight had no higher opinion of the morality of the "heathen nations" than he had of that of the Indians. The Greeks and Romans, for example, were guilty of all the immorality charged against the Indians, a guilt "licensed and sanctioned" by their philosophers. "If the facts, asserted by Juvenal in his sixth satire, had any foundation; the manners of his countrymen were incomparably more corrupt, than those of these Indians." See *ibid.*, I, 122.

²⁶ *President Dwight's Decisions of Questions Discussed by the Senior Class in Yale College, in 1813 and 1814*. From Stenographic Notes, By Theodore Dwight, Jun. (New York, 1833), pp. 141-48. Hereafter referred to as *Decisions*.

He finds his enjoyment in sublimity and novelty, whereas civilized man finds his in cultivated nature and in the objects which he makes to affect his sight agreeably.²⁷ The savage lacks the events, scenes, associations, and religion of civilized man which appeal to the imagination. Furthermore, it is obvious, said Dwight, that a savage could not have any pleasures of the intellect, and, as to the pleasure of affection, the savage steels himself against any emotional expression because emotion is a sign of weakness. In short, nothing in savage life could encourage virtue and happiness.²⁸

In view of Dwight's firm conviction that fundamentally man is a depraved being possessing no innate goodness, it is not surprising that he flatly rejected the contention that evil is the result of human institutions.²⁹ Evil is inherent in man and certainly does not owe its existence to the institutions which he has created. He was diametrically opposed to Rousseau's fundamental view that man, in passing from a state of nature to a state of society, had sacrificed his freedom and dignity, and had permitted himself to be subjected to slavery, toil, and evil by the institutions which he had created. He conceded that in government and religion extensive evil had been brought about. In the course of history, civil and religious leaders had contributed at times to the corruption of great masses of people, and many leaders had contrived to keep the masses in ignorance and poverty so that the power of the leaders would be safeguarded. That fact, however, did not prove that the civil and religious institutions were at fault. On the contrary, it proved that human nature was at fault. In the argument, said Dwight, certain salient facts stand out. The first is that, although there have been many virtuous rulers who exerted a powerful influence for good upon their subjects, the subjects remained depraved. No ruler or succession of rulers "ever changed the native character of man in any such manner, as to make the nations, whom they governed, generally virtuous; or at all to lessen the evidence, which supports the doctrine of universal depravity." Furthermore, those subjects who have been freed from the bondage of poverty and ignorance did not prove themselves freed of their depravity. Likewise, whenever a gov-

²⁷ This is a curious departure from Addison, whose writing Dwight was acquainted with. Addison maintained that civilized man found enjoyment in grandeur of Nature as well as in simplicity. See *Spectator*, Nos. 411-14, on the pleasures of the imagination.

²⁸ See n. 26.

²⁹ *Theology*, I, 489 ff. See Charles E. Cuninghame, *op. cit.*, pp. 307-09, for an account of Dwight's view of the introduction of moral evil into the world.

ernment has proved itself beneficent, whenever rulers have exerted less power, the subjects have not proved themselves less vicious. In a state of anarchy, or a "state of nature," where civil and religious authority are nonexistent, "virtue is uniformly at the lowest ebb, and vice most prevalent and dreadful." Institutions do not bring about evil; it is man's nature that is evil:

Government, in *the great body of cases*, restrains men only from vice; and Religion, that is, *the Religion of the Gospel*, in *every case*. The sanctions of Government are protection to those who obey, and punishment to those who disobey. The sanctions of Religion are endless rewards to virtue, and endless punishments to sin. That these sanctions promote vice is a paradox, which I leave to be solved by others. He, who can solve it, will prove in his solution, that men are disposed to be virtuous and vicious without motives to either; and to be virtuous, only under the influence of the strongest motives to vice; and vicious, only under the influence of the strongest motives to virtue. The honour of this discovery I shall not dispute with any man, who is willing to claim it as his own.³⁰

III.

Since man's reason is limited and since his nature is depraved, he must look beyond himself for the source of his moral knowledge. The only conceivable source, in Dwight's view, was to be found in the law of God, a law which he described as the "perfect directory" of the moral conduct of man.³¹ He did not have in mind the general body of Christian edict, but a specific divine law which transcended all other laws. That law is: Thou shalt love the Lord thy God with all thy heart, and thy neighbor as thyself. It has been made known to man by divine revelation. It should be observed at this point that the importance of the idea of divine revelation as a determining force in all of Dwight's religious and philosophic thinking cannot be overemphasized. Any denial of revelation was, in his opinion, a denial of the only foundation upon which any valid thinking could rest. Only by the exercise of *regenerated* reason which is guided entirely by the light of revelation can man hope to arrive at any acceptable human institutions.³² The divine law is perfectly suited to the conditions and capacities of all intelligent beings, and it is so comprehensive that it includes all moral action.³³ Requiring the highest moral character, the law provides the only means by which the individual can make any moral progress.

³⁰ *Theology*, I, 495.

³¹ *Ibid.*, III, 55.

³² For his arguments concerning revelation, see *Sermons*, I, 39-109.

³³ *Ibid.*, III, 55.

The great end and aim of intelligent creation, the only ultimate good in the intelligent universe, maintained Dwight, is happiness. The perfect happiness is the perfect good, the good including whatever is desirable. This is the good which the law of God proposes as its "own proper and supreme End." Embraced in this great end are the glory of God and the happiness of the intelligent creation. Only through the law, only through glorifying God, can perfect happiness be attained.³⁴

Through the exercise of virtue, intelligent beings are able to accomplish the greatest good. Virtue is simply "an effort of the mind toward the promotion of this immense good."³⁵ It is the love of doing good; the "*original, or voluntary, and universal, source of happiness*"; the source of all moral good.³⁶ Its excellence lies in the fact "that it is *the cause of good*, that is, *of happiness*; the Ultimate good; the only thing, for which virtue is valuable."³⁷ One exercises virtue by loving God and by contributing to the well-being of fellowmen. Thus, through benevolence and complacency one is able to attain the highest personal virtue and to effectuate the greatest public happiness.³⁸

Dwight placed virtue, not upon the will of God, but solidly upon utility, although his conception of utility was one fitted to his own ends. To him, benevolence and virtue were synonymous terms. The volitions of man are "characterized and directed" by benevolence, or virtue, and selfishness, or sin. The former aims at the production of the greatest public happiness; the latter at private, or selfish, happiness:

*Benevolence, therefore, directs the whole active power, or energy, of the mind, in which it exists, to the production of the most extensive happiness. That is what I intend by the Utility of Virtue; and that, in which, as it appears to my own view, all its excellence is found. Sin is naturally, and necessarily, the parent of misery; since it arms every individual against the interest of every other.*³⁹

Dwight thoroughly disagreed with Paley and Godwin that utility is the "measure of virtue," the standard by which man is to be guided in determining what constitutes a benevolent act.⁴⁰ His position was

³⁴ *Ibid.*, III, 56.

³⁵ *Ibid.*, II, 322.

³⁶ *Ibid.*, III, 125.

³⁷ *Ibid.*, III, 158.

³⁸ Dwight's rejection of the idea that virtue and knowledge are related deserves note here. He conceded that rationalistic nonreligious philosophers, for example, were men of great knowledge, but he maintained that they were men of slight virtue. Experience furnished no evidence that an increase of knowledge meant an increase of virtue. *Ibid.*, I, 493.

³⁹ *Ibid.*, III, 158-59.

that finite mind is incapable of knowing all the consequences of an act. What appears to be good for man may not be good, because he can determine only a small chain of consequences, not the all-important ultimate consequences. The only act which is unquestionably right is that which "throughout time and eternity is profitable to the universe." Thus the consequences of an act are never-ending, and before its value can be determined, all of its consequences must be considered. Only God is able to determine them throughout infinity:

The infinite eye alone can discern these consequences; the infinite mind only can comprehend them. Man plainly can know scarcely one out of millions, even of those which will take place in the present world, and not one of those which will exist beyond the grave. How absolutely must he err, who is precluded from the means of forming a judgment?"⁴¹

A difficulty, if not a contradiction, in Dwight's thinking becomes apparent at this point. If utility is the foundation of virtue but cannot be used as a standard in determining what is virtuous, it becomes little more than a meaningless abstraction in his ethical thinking. He did not contribute in any way to an understanding of the problem. In effect he said: There is such a thing as virtue, but one has no way of determining what is virtuous. In this issue, as in so many others, he surmounted the difficulty by pointing to the word of God as the infallible guide in determining the virtuous act. Furthermore, conscience is the final arbiter in judging the rightness or wrongness of an act. It is an intellectual process by which man is able to arrive at a moral judgment. Conscience was given by God to man for that specific purpose, and by it man can judge whether his action is consistent with law.⁴² The way to a man's heart, "the great controlling faculty of man," is through the conscience, or "the mind judging of moral subjects, of truth and falsehood, right and wrong."⁴³ Conscience, after considering all of the evidence pertaining to an act, determines whether the act is consistent with truth.

⁴¹ *Ibid.*, III, 159-60. A further account of his criticisms may be found in "Dr. Dwight's Observations on Paley's Moral and Political Philosophy" in the unpublished notebook of D. L. Daggett (Yale University Library—examined by permission). For his severe indictments of Godwin, see *Theology*, II, 484-86, and *Travels*, III, 29-31.

⁴² See the sermon "Man Cannot Find Out a Religion Which Will Render Him Acceptable to God," *Sermons*, I, 45.

⁴³ Dr. Dwight's Observations on Paley's Moral and Political Philosophy."

⁴⁴ "The Preaching of Paul before Felix," *Sermons*, II, 459. For further statement concerning conscience, see "On the Love of Distinction," *ibid.*, I, 532, and *Decisions*, p. 347.

Perhaps some of the difficulty of the problem of utility lies in the terminology. Strictly speaking, Dwight was not a utilitarian. Foster has observed that it is not surprising that he was called a utilitarian since he adopted the terminology himself, but that he was entirely correct in his position when viewed in the light of the principles of the "Rightarians."⁴⁴ A more recently expressed view involves Dwight's method of reasoning. Leon Howard has pointed out that the ingenuity of his method enabled him to incorporate into the Calvinistic scheme the utilitarianism which he "saw becoming more and more acceptable to the world at large."⁴⁵

The fundamental ethical question of why man should desire to do good caused Dwight no particular trouble. He had a ready explanation: God "prescribes to his Intelligent Creatures, and produces in them, a disposition to *love Him with all the heart, and each other as themselves*."⁴⁶ This disposition is "the most lovely, the most excellent, the most glorious, work of the Creator's hands; incomparably the greatest proof of his sufficiency, and inclination, to effectuate perfect good." Through it the great designs of God for mankind can be accomplished. The voluntary exercise of this disposition is the means by which the greatest happiness can be achieved.

The great end of happiness, concluded Dwight, is threefold in nature, embracing, first, the glory of God, in which lies His happiness; second, man's awareness and acceptance of God and the blessings and kindnesses which He bestows; and third, the love of one another.⁴⁷ These three ends are based firmly upon the divine principle of love. The "seat of happiness" being the mind of intelligent beings, the mind can find happiness only when it can be self-approved. Approval is possible when the mind grasps the divine principle and is directed by it. A mind, therefore, which acts in accordance with the principle of love is thrice approved: by self, by God, and by its fellow creatures. "Thus the law of God, by laying hold on this single great principle," concluded Dwight, "has directed the whole energy of the mind to the production of the best of all ends, in the best possible manner."⁴⁸

⁴⁴ *A Genetic History of the New England Theology* (Chicago, 1907), p. 365.

⁴⁵ *Op. cit.*, pp. 363-66.

⁴⁶ *Theology*, III, 57.

⁴⁷ *Ibid.*, III, 57-58.

⁴⁸ *Ibid.*

IV.

In Dwight's view, the ethical plan which he propounded was unassailable. It had the absolute authority of God; it was simple and specific in the standards which it set up; it was moderate but uncompromising in its requirements; and, if voluntarily embraced by man, it was able to provide the means by which ideal human relationships might be achieved. It was based upon one fundamental principle: man's chief end is to glorify God.⁴⁹

Under the influence of this perfect system, could not man himself become perfect? Dwight's simple answer was no. Although he believed in the idea of progress, he did not believe that man could ever reach a state of perfectibility. In spite of the contributions of education, government, and learned and wise men; in spite of the fact that God has revealed His will, "requiring with infinite authority, instructing with infinite wisdom, and urging with infinite motives, that men should become virtuous," man can never become perfect.⁵⁰ His mind has been improved and he has advanced from savagery to civilization when motives conducive to improvement have been present. Further progress will be made, but "when we have done, it will be as far from the perfectibility which fools talk of, as the mite from a man, and an oyster from a whale."⁵¹ The fact that man could not become perfect, however, was not indicative of a weakness in the system in which Dwight believed. On the contrary, the weakness was to be found in the depraved nature of man. Depravity is "a part of his constitution, of his nature, of himself," and in order for him to become perfect, he would have to be created anew.⁵² But if man is encouraged and impelled by proper motives, he will improve.

A less orthodox view might object that the glorification of God is not a sufficient motive to cause man to want to do good; that the frail being of Dwight's conception would have great difficulty in grasping the principle and living by it; that it is too abstract, too remote, too unreal, to become a vital and impelling force. In other words, men might not be able to translate the idea of glorification into terms of their own present and ultimate happiness. They would glorify God for the sake of glorification and for the sake of fulfilling a law. Dwight's

⁴⁹ *Ibid.*, I, 348.

⁵⁰ *Ibid.*, I, 496. For orientation, see Lois Whitney, *Primitivism and the Idea of Progress* (Baltimore, 1934); and J. B. Bury, *The Idea of Progress* (New York, 1932).

⁵¹ *Decisions*, pp. 327-32.

⁵² *Theology*, I, 498.

contemporaries, Franklin and Paine, grounded their religious and ethical thought upon the principle of humanitarian service, a principle more easily understood and related to temporal affairs by mankind generally. That is not to say, however, that the principle of humanitarian service was not included in the ethical thinking of Dwight, but it was not basic. A virtue of his principle is that it is all-inclusive.

Against the objection raised above may be set Dwight's explanation of the way in which glorification becomes a workable principle in the lives of men. Man can glorify God in a variety of ways, which include knowing, loving, serving, and enjoying Him.⁵³ To know God is to have a true conception of His character, which is revealed in His word and work. To love God is to render Him piety, reverence, submission, dependence. To serve Him is to make external conduct conform to holy will as it is revealed in the Scriptures. A man serves God by performing acts of worship; by performing his duty toward himself by practicing diligence, meekness, humility, temperance, and self-denial. To enjoy God is to find pleasure in the contemplation of His character. His character is infinitely great and infinitely beautiful, and man finds his ultimate happiness in these attributes of God. Man as an intelligent being regards God as the source of every pleasure and of everything beautiful and good. Man as created by God was given the powers of understanding, will, and motivity. He is thus a creature who not only can discern the glory of God, but can voluntarily promote it.

Dwight's principal aim was to reduce theology and ethics to a system which could be readily applied to the affairs of men in daily living. He was as greatly concerned over man's relationship to his fellowmen as he was over man's relationship to his God. He devoted his adult life to a constant reaffirmation of Christian principle, which he believed was being "systematically" undermined by nonreligious rationalism. Unlike the deists, he emphasized humility and the frailty of human reason and virtue. His position was uncompromising, to be sure, but it was determined by his belief that the word of God as the source of all religious and moral truth was forever fixed. He did not make an original contribution to religious and ethical thought. In some respects, he did scarcely more than to restate fundamental Calvinistic doctrine. But his importance lies in the fact that he was the stoutest defender of that doctrine at a time when it was subjected to the severest critical analysis and forthright attack.

⁵³ *Ibid.*, I., 379-91.

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RESEARCH STUDIES of the STATE COLLEGE OF WASHINGTON

Volume XIII

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Number 4

CONRAD'S *THE RESCUE* FROM SERIAL TO BOOK

Walter F. Wright

Assistant Professor of English

Conrad's friend and biographer, Richard Curle, casually mentioned the extensiveness of Conrad's revisions, particularly in the adaptation of both *Nostromo* and *The Rescue* from serial to book.¹ Knowing of the significant illustrations found by Mr. J. D. Gordan and by Mr. G. W. Whiting in a comparison of variant MS readings of part of *Lord Jim* and of the last pages of *Nostromo*,² I decided to follow Curle's hint about *The Rescue*, which, begun almost at the outset and completed near the end of Conrad's literary career, was, according to the author's own letters, the most recalcitrant of all his novels. A part of the original, 1896-98, MS is preserved in the British Museum, but it is several stages removed from the final, 1920, book version. The two serials, on the other hand, immediately preceded the book and permit direct comparison with it and with each other. Since, moreover, Conrad was still far from settled in his conception of the story when he wrote them, especially the first of the two, the comparison illuminates major phases of his artistic process. Besides the types of revision found in *Lord Jim* and *Nostromo*, there are, in *The Rescue*, many others of importance. Some of these are of the kind other novelists might have made; indeed, they were occasionally suggested by Garnett. Some are in accord with Conrad's own special literary theories. Others reveal the peculiarly obstinate problems still offered by the theme of *The Rescue* more than twenty years after Conrad had first recognized and struggled with them.

BIBLIOGRAPHICAL HISTORY OF THE NOVEL

It was sometime before March 23, 1896, that Conrad talked with Garnett about a "sea-story" to be called *The Rescuer* (sic), a *Tale of Narrow Waters*.³ Garnett was to receive several letters about *The*

¹ *The Last Twelve Years of Joseph Conrad* (New York, 1928), pp. 63-64.

² J. D. Gordan, *Joseph Conrad: The Making of a Novelist* (Cambridge, 1940); G. W. Whiting, "Conrad's Revision of *Lord Jim*," *English Journal*, College Ed., XXIII (1934), 824 ff.; Whiting, "Conrad's Revision of 'The Lighthouse' in *Nostromo*," *Publications of the Modern Language Association*, LII (1937), 1183-90.

³ Edward Garnett, *Letters from Joseph Conrad 1895-1924* (Indianapolis, 1928), p. 46. The title was changed sometime in 1897.

Rescue during the next three years, most of them expressing anguish and frustration, which even his encouragement and literary help could not overcome. Finally, after staring at blank sheets and rejecting much of what he did write, Conrad put the story away in late 1899.⁴

It was probably not until 1916 that Conrad tried again.⁵ By December he thought the story was "not very far from its termination."⁶ But in February, 1918, it was at least no nearer completion. Its history until then was summarized in a letter to Wise concerning the MS:

Begun in 1896 . . . , it was laid aside finally at the end of '99, so that a whole pile of pages belongs wholly to the Nineteenth Century. . . . several typed copies have been taken of it, each introducing changes and alterations till this last (I believe the 4th) typed copy on which I am working now, and I intend to finish the tale by dictating.⁷

Later Conrad noted on a blank page of the MS:

This Ms dating from years 1896 to 1898 is absolutely the first state of the novel *The Rescue* pub'd (finished on May 25-1919) as to two thirds. By successive diminutions and corrections these two thirds have been reduced to a little more than one half of the text as printed in the first edition.⁸

The dictation, made necessary by Conrad's illness, continued, with suggestions once more from Garnett, until the last page was written on May 25, 1919, and revised three days later.⁹

The first pages appeared in the British magazine *Land and Water*, January 30, 1919, and the last, July 31, 1919. In the meantime, on April 17, Conrad wrote Doubleday, "Pinker will be sending you the complete text"—for American serialization.¹⁰ The American publication finally selected was the short-lived *Romance*, where the story ran from November, 1919, to May, 1920.

Conrad had asked Garnett to "jot your remarks and criticisms on the margin of the L & W text," and Garnett complied.¹¹ With these and the somewhat revised *Romance* text, Conrad, by December 8, 1919, started to prepare a copy for book publication. Beset with gout and bronchitis and with concern for Mrs. Conrad, who was seriously ill, he was often unable to work, but he completed the text in bed, Feb-

⁴ Letter to T. J. Wise, Feb. 10, 1918. G. Jean-Aubry, *Joseph Conrad, Life and Letters* (New York, 1927), II, 209.

⁵ *Ibid.*, II, 172.

⁶ *Ibid.*, II, 180.

⁷ *Ibid.*, II, 209.

⁸ Gordan, *op. cit.*, footnote 250, p. 391.

⁹ Jean-Aubry, *ed. cit.*, II, 322.

¹⁰ *Ibid.*, II, 221.

¹¹ Garnett, *ed. cit.*, p. 262.

ruary 24, 1920.¹² Since he did most of his revising on the proof sheets, it is not surprising that these, which he later presented to Curle, contained "thousands of corrections."¹³

THE THEME AND ITS PROBLEMS

From the first, the basic plot of *The Rescue* was very simple, and Conrad did not change it greatly.¹⁴ A high-principled, adventure-some, yet unsophisticated, English sea captain, in the act of helping his dearest friends, a young Malay chief and his sister, to win back their heritage, must stop to assist a stranded British yacht. He and the wife of the owner are mutually fascinated, and his effort thereafter to rescue her husband and their Spanish companion, who are kidnaped by natives, is indirectly responsible for the death of his Malay friends. At last, in parting, he tells the woman of his love for her and then is left bowed down by grief and remorse for the tragedy to which that love, he feels, has led.

This general plan, which Conrad had rather clearly in mind at the beginning, was adequate for a thin narrative of adventure. But Conrad wanted to make it a high tragedy, with the hero of misty dreams, of buoyant self-confidence, losing the great friendship around which his dreams were built and, in complete resignation, renouncing all but the memory of his love.

He started easily enough, giving the atmosphere of the tropics and the seamanship details of life on the brig in a storm. The man who in a few months was to write *Typhoon* need have no trouble with these, and Garnett was enthusiastic about their vividness. In protesting, however, that part of page 1 was "a little *forced*, a little dragged out of you, a little overelaborated,"¹⁵ Garnett hit upon a weakness that was to grow as the story developed. Conrad doubted the value of what he had written and replied, "Meantime I live with some passing notions of scenes of passion and battle—and don't know how to get there."¹⁶ When he tried to introduce the persons on the yacht, the difficulty became serious:

I am now setting Beatrice [later changed to Edith], her husband and Linares [later D'Alcacer] (the Spanish gent) on their feet. It's a hell of a job—as Carter [mate of the yacht] would say.¹⁷

¹² Curle, *Conrad to a Friend* (New York, 1928), p. 71.

¹³ *The Last Twelve Years of Joseph Conrad*, p. 66.

¹⁴ Author's note to printed edition.

¹⁵ Garnett, *ed. cit.*, p. 19.

¹⁶ *Ibid.*, p. 58.

¹⁷ *Ibid.*, p. 61.

About a month later he had made almost no progress. The surface pictures that Garnett had liked could not be continued:

. . . part II must be very different in theme if not in treatment and I am afraid this will make the book a strange and repulsive hybrid. . . . I must justify—give a motive—to my yacht people, the artificial civilized creatures that are to be brought in contact with the primitive Lingard. . . . There is 12 pages written and I sit before them every morning, day after day, for the last 2 months and cannot add a sentence, add a word!¹⁸

Finally, in August, 1898, two years later, he admitted defeat in his main purpose:

So the thing is vivid—and seen? It is good news to me, because, unable to try for something better, higher, I did try for the visual effect. And I must trust to that for the effect of the whole story from which I cannot evolve any meaning,—and have given up trying.¹⁹

The real crux he summarized in November, 1898:

. . . the idea has the bluish tenuity of dry wood smoke. It is lost in the words, as the smoke is lost in the air. Attempting to tell romantically a love story in which the word love is not to be pronounced seems to be courting disaster deliberately. Add to this that an inextricable confusion of sensations is of the very essence of the tale, and you may judge how much success, material or otherwise, I may expect.²⁰

Though Conrad was to create a masterpiece in telling the simple and straightforward narrative *Typhoon*, 1901, his autobiographic *A Personal Record*, 1912, reveals that in turning to writing as a career he expected to ruminate on what seemed to be obvious until he could individualize it and show its hidden complexities. His friendship and collaboration with Ford Madox Ford, who lacked his insight, but abhorred the direct and obvious, encouraged him in his belief that a story, to be profound, must go around and around a focal point, indirectly revealing its implications without specifically expressing the point itself—without, for example, using the word *love* in a love story. In such a novel as *Lord Jim*, 1900, of course, it was this subtlety that really created the theme, Jim's conflict of mind being of interest only as its profound complexities were gradually illumined.

In *The Rescue* Conrad had a basic conflict of loyalties to provide a plot, knew what general type of characters he needed, and could create atmosphere, but by the "inextricable confusion of sensations" he aimed, as in *Lord Jim*, at something much more subtle than a simple

¹⁸ *Ibid.*, pp. 63-64.

¹⁹ *Ibid.*, p. 141.

²⁰ Jean-Aubry, *ed. cit.*, I, 255.

story of conflict. He could not be contented with broad character strokes or with briefly sketched scenes, but wanted to suggest precise and delicate shades of feeling. This he could not do, and he quit trying sometime in 1899.

Conrad's next significant reference to the novel was written in late 1918, when he was at last on the way to completing it. The story still had many passages which were of interest only for their visual imagery, but Conrad was again insistent upon writing into it some degree of the psychological subtlety that had distinguished *Lord Jim*:

. . . the interest of that romance is all in the shades of the psychology of the people engaged, as is obvious from the four parts already completed. It is sustained by the presentation alone. . . . the story will end as romantically as it began. . . . Hassim and Immada [the Malay friends] will be sacrificed, as in any case they were bound to be, but their fate is not the subject of the tale. All those yacht people will go on their way, leaving Lingard alone with the wreck of the greatest adventure of his life. For indeed what else could have happened? Any tragedy there is in this dénouement will be all in the man's feelings; and whatever value there may be in that, must depend on the success of the romantic presentation.²¹

He insisted that the story was not for "juvenile readers" because of "the depth and complexity of the feelings involved in the action, which in itself does not aim at any great originality and can be pretty well foreseen from the beginning."²²

In the fact that Conrad felt called on to defend the novel as one for the mature reader, even in its description and adventure, is a further clue to what was wrong with *The Rescue*. It was neither a graphic story of man against nature, like *Typhoon*, nor yet a shrewd psychological study, like *Lord Jim*. It had long passages of description which, though separately vivid and interesting, did not focus immediately on the theme, and it overelaborated, at times sentimentally, in an effort to draw from dramatic situations every possible psychological implication. It was, in short, what Conrad had earlier feared that it would be—a hybrid, with conflicting elements; and it was still a hybrid when it appeared in *Land and Water*.

THE REVISIONS

With the last pages written, Conrad was better able to see the dual nature of the interest in his novel and the defects that came from his overinsistence on the delicacy of the shades of feeling in his characters.

²¹ *Ibid.*, II, 212.

²² *Ibid.*

In revising he set about to improve the focus by reducing or even eliminating whatever in setting or situation was not relevant to his primary dramatic concern, and to improve the emotional tone by striking out passages of characterization which were tangential to his purpose, and particularly those which, through their overelaboration, were inherently sentimental.

A. Setting and Situation.

When Conrad first sailed into the Malay regions, he was fascinated by the mysterious strangeness of nature in the tropics, especially the effects of intense light and darkness on land and of storms at sea.²³ When he placed his characters in Malaya in his first novel, *Almayer's Folly*, he considered the natural phenomena as influences on character and, concerned with a study of deterioration of personality, felt responsible for capturing the essence of the world of nature. He evidently felt, too, an artistic challenge to describe in words what his eye had seen, for Ford and he came to make an exercise of trying to find the exact phrase to describe a field of wheat, for example, as they passed by it.²⁴ The consequence was a tendency toward florid writing, a tendency which Conrad never wholly lost, but which was most pronounced in his earliest works.

In *The Rescue* it was obvious that nature must be a factor. In the tropical seas, fiercely tempestuous or eerily calm by sudden turns, and in the sinister forests, human feelings were magnified. But Conrad could become so interested in description as to lose sight of the plot. In the first pages of the *Land and Water* text, for example, when Lingard was being sought for help or was on his way to give it, Conrad described the luminous points in sea and sky, the wrinkling of the waves, and the heroic seamanship of Lingard in a storm. He strove hard for the phrases to give the precise effect of the tempest, with "every drop of rain in the heavens . . . finding its way aboard the brig, swirling between the bollards, eddying round the capstan, foaming in the narrow passages amidships—to dash with loud gurgles at the lee scuppers"; of the grace of the ship before the wind, its spars swaying "with a movement quick, graceful and fleeting, like a coquettish and discreet gesture of a pretty woman"; of the calmer weather that en-

²³ Author's note to *Almayer's Folly*, 1895, and various letters.

²⁴ Ford Madox Ford, *Joseph Conrad: A Personal Remembrance* (Boston, 1924), pp. 26-27 et passim.

sued, when "the uncovered part of the sky came out with a pellucid brightness of its depth shedding the diffused glimmer of starlight" (*L.*, F. 6, p. 26; *δ R.*, 44-46).²⁵ In the *Romance* text, the first part of which was prepared before and on the heels of the initial completion of the novel, these passages were altered only slightly. When, several months later, however, Conrad came to the novel afresh, he could detect the excessive description, and, consequently, he struck out more than two pages of it altogether from this scene alone. What he left was sufficient to convey the tropic sea atmosphere and to show that his hero, while commanding his brig, was a captain of quick and able decision.

In Conrad's effort to build Lingard up as a man of bravery and, initially, of action, he at first provided other descriptive trappings. Accordingly, as Lingard sat bewildered in his cabin, unable to conquer a dilemma and therefore powerless to act, muskets glinted above his head and bayonets encircled the rudder casing at his back. These made him a dashing hero, but only distracted from the mental conflict which the man was undergoing. They were struck out. So, too, were several details about the dress and manner of the Malay warriors, originally intended to emphasize the sinister nature of the men with whom Lingard had to intrigue. Typical is the following:

Sentot, with a rag round his loins and with a wisp of withered grass twisted round his head, entered the houses and filled them with his angry lamentations; and exasperated men looked along the edge of the swords, or tested with their fingers the points of spear blades (*L.*, May 8, p. 123; *δ R.*, 224).

Sentot was a new and irrelevant person, the rag and wisp somewhat obvious details. They were particularly digressive as part of a story narrated to Lingard by Hassim. The scene as Conrad left it still played up the unrest and suspicion that would bring treachery.

In revisualizing the local scene, Conrad discovered also that his deliberate attempts to tie his localized story in a large frame, to make it have more verisimilitude geographically and historically, had merely confused. He had referred to a fleet up in China, to the French "raising the devil in Gambodge" and the "Dutchmen . . . asleep! as they often are" (*L.*, Jan. 30, p. 26; *δ R.*, 23). He retained only a reference

²⁵ Henceforth in parentheses *L.* will represent *Land and Water*; *R.*, the Malay ed. (New York, 1928) of *The Rescue*; *Rom.*, *Romance*; and *δ* omission. *Rom.* will be cited only for notable variations from *L.* The first edition of the novel in book form contained typographical errors. Otherwise all editions are alike.

to a sweep "along the Borneo coast . . . some years ago" by Sir Thomas Cochrane. He reduced a long disquisition on the Treaty of 1820 and omitted all reference to an interesting, but irrelevant English gentleman adventurer who had "plenty of money and powerful friends at home" and could "order port captains about like an admiral" (*L.*, A. 10, p. 24; *δ R.*, 161). Because of Conrad's propensity for using living prototypes, as the Rajah Brooke, it seems likely that he originally brought in here an actual person for contrast with Lingard, who is speaking. But he evidently realized later that he should isolate his characters from main currents of history to intensify the focus. In the original, too, Jörgenson reports a rumor that the "Great Queen" has ordered "the Tuan Besar, the great lord in Singapore, to imprison and fine you," but that he has answered that Lingard is a "friend to the great lord" (*L.*, A. 17, p. 23; *δ R.*, 174). Too much connection between Lingard and white civilization implied more sophistication than he should have. Conrad eliminated other references to Western European officialdom and even took out the fact that D'Alcacer's cigars had "proceeded from the stock of his uncle, the Governor-General" (*L.*, July 10, p. 40; *δ R.*, 141).

In the first versions, too, Conrad belabored the contrast of civilization and simple Malay life. Mrs. Travers moralizes about the society in which D'Alcacer—and, of course, she herself—has been living:

. . . you can't possibly know that artificial state of the society to which such a man belongs. It is a society where people get very soon tired of the very passions they pursue. . . . Everything wearies them—but the pursuit of their small vanities (*L.*, May 15, p. 30; *δ R.*, 258).

This made clearer why Mrs. Travers should be fascinated by Lingard, but it was gratuitous and took one back to Spain and London.

In the book some facts are not quite so clear because of the omissions, but, much more than in the serials, the reader has the sense of being in a part of the world which, until the British yacht burst upon it, was remote and timeless.

While again studying the details of the setting and action, Conrad made several changes which, though of no great consequence to the reader, show how carefully he revisualized each scene during revision. In preparing the *Romance* text, he decided that the brig, well out from the shoals, was two miles instead of one from shore, and that a council shed should be outside rather than within Belarab's stockade. Originally Daman was to wait "in a creek ten miles from here," and praus were "hiding in that creek." In *Romance* "south" further located the

stream. Finally it became simply "the creek," Daman was to wait "outside," and the praus were, likewise, outside. Length of time also was altered, apparently because, having originally had clearly in mind what happened, Conrad decided, for example, that a conversation with a dying man lasted one hour instead of two and that the brig should lose sight of the yacht "during the afternoon" rather than an hour after they had separated. He twice altered the chronology of events. "Tengga lit up a smoky fire this morning" became "Tengga lights up smoky fires often." In a two and one-half column circumstantial letter, later rewritten in about one page, Carter wrote of the native women and children's being sent away from the sandbank to the mainland before he, as new first officer of the brig, began shooting into the praus. To make Carter's action more serious, the letter now relates the shooting and then adds, ". . . they may ferry themselves and their women to the mainland whenever they like" (*L.*, June 12, p. 33; *δ R.*, 327). It is clear from such alterations of setting and situation that the revision was by no means a mere negative process of deleting to reduce descriptive passages to better proportion. It was a process of recreating every scene in complete visual perspective and of experimenting to see how the perspective could be improved.

B. The Characters.

The most difficult problem in *The Rescue* was to develop the proper relationship of the characters with each other and to give them right proportion in the story. In the first serial version Conrad strove to give distinct individuality to about a dozen minor characters. Though, like Meredith, he did occasionally introduce a virtual stranger to the reader as a character with whose antecedents he himself was well acquainted, he seems elsewhere to have felt the need of putting down on paper facts about some characters simply in order to have them clear in his own mind. He later, usually in the last version, discovered that many of the facts were irrelevant to his theme or too obviously asserted. First Mate Shaw, for example, had to be a maundering, stupid, suspicious fellow whom Carter could not trust. But Conrad at first let him run on in garrulous Dame Quickly fashion about where he lived, how respectable he was, how worthless his brother-in-law was, and how he was generally abused. In cuttings amounting to more than a page, only the abuse was left, and that was shortened (*L.*, Jan. 30, p. 25, May 1, p. 24, May 15, p. 25, etc.; *δ R.*, 23, 213, 239, etc.).

As Conrad had written to Garnett in 1896, setting the people of the yacht on their feet was a hard task. Travers, the owner, must contrast with Lingard by being an unimaginative, ultra-conventional egoist, who could suspect Lingard of wanting to get salvage money by removing the yacht from the shoal and, in the serials, could scorn him at great length as in "impertinent and ruffianly person" (*L.*, Mar. 20, p. 21; *δ R.*, 127). In an effort to make clear why Mrs. Travers should find her husband oppressive and be entranced by Lingard, Conrad was blunt and obvious. He labeled Travers' every action with such descriptive additions as "with that air he always had, whether listening or talking, of his whole attention being scrupulously concentrated upon himself" (*L.*, Mar. 27, p. 23; *δ R.*, 147). In the book Travers is still awkwardly moved around, but a score of half-sentence adjectival and adverbial tags, a number of his speeches, and long analyses of his thoughts were struck out.

Less omitting was possible for D'Alcacer, the Spanish friend, but a few rather naive remarks about him were changed or cut out. He had known Mrs. Travers long before as an attaché, and in the serials he was able to read "a meaning" into her words because of his unspoken love for her. His function was, in part, to serve as a chorus—to respect Lingard and approve of Mrs. Travers' meeting him. As a polished courtier, he could be protectively observing, but never obtrusive. The following phrases in *Land and Water* are illustrative of his delicacy and courtesy:

. . . the quietly observant D'Alcacer (*L.*, Mar. 27, p. 21; *δ R.*, 139).

Even the gesture of Mr. D'Alcacer turning away his head discreetly . . . (*L.*, May 22, p. 36; *δ R.*, 285).

D'Alcacer had an air of discretion (*L.*, July 31, p. 38; *δ R.*, 468).

In the *Romance* text, Conrad retained all these passages and even inserted "infinite" before "discretion." With such labels, D'Alcacer came dangerously near to being sentimentally ludicrous. In the book Conrad showed better taste by subduing D'Alcacer's previous acquaintance with Mrs. Travers and omitting the most glaring references to his protective eavesdropping.

In presenting such characters as Travers and D'Alcacer, Conrad originally thought of them as accessories to the plot, and then, having discovered that he had overemphasized them, he tried to strike out what was not needed, as any other writer might have done. The portrayal of the old seaman Jörgenson, on the other hand, was a unique

Conradian problem. It required the author to reconcile with the requirements of artistic proportion a primary philosophical interest, without which he would never have written *Almayer's Folly* and started on a literary career.

There were, for Conrad, two main attitudes toward life.²⁶ He sometimes focused on one, sometimes on the other; but, as they were direct opposites, the one stood out in sharp relief only when in direct or implied contrast to the other. Because he saw his purpose as the representation in art of both types, Conrad experimented from the beginning to find the best way of portraying them. The one attitude was that of the man, conscious of his separate intellectual and emotional identity, seeking desperately to find his place in a universal order that disregarded such individual identity. The consummate representation of this tragic state of mind Conrad achieved early in *Lord Jim*, and approached years later in *Heyst of Victory* (1914). The converse mental state was that of the man who, in the language of Stein, in *Lord Jim*, could "in the destructive element immerse." This was the man who had no conflict of mind and, like Stein, was able to act without hesitation. No less significant to Conrad than the first type, he was represented by characters in *The Nigger of the "Narcissus"* and other early tales, and especially in Captain MacWhirr of *Typhoon*.

In *Lord Jim*, Conrad traced the change of a man from the first state of mind to the second. In telling the story of Lingard, of *The Rescue*, he wanted to follow a man from the second into the first and back again to immersion. But no less interesting to Conrad than a man of Lingard's history was Jörgenson, who had long ago immersed himself by renouncing life, and who had only with reluctance consented to "come back for awhile into the world of living men." Jörgenson was too important in Conrad's philosophy to be a mere contrasting foil for Lingard. He was worthy of a short narrative to himself. In a love story in which both the hero and the heroine were to be prominent, he could easily create a distracting interest. Conrad undoubtedly believed that he had prevented such an interest by giving Jörgenson only one principal action in the novel—an action which by its positive, unhesitating nature would throw into relief Lingard's contrasting perplexity of mind. While Lingard was becoming more and more deeply involved, in an effort to be loyal both to Malay friends and to English tres-

²⁶ W. F. Wright, "Joseph Conrad's Critical Views," *Research Studies of the State College of Washington*, XII (1944), 155-75. The present article is intended to serve as a companion piece to the earlier one.

passers and also to cultivate a passion that conflicted with both loyalties, Jörgenson was to extricate him and restore order by unexcitedly blowing up a ship-fortress containing not only Lingard's enemies, but his friends including Jörgenson himself.

So startling an incident naturally required some previous illustration of Jörgenson's philosophy, the simplicity of which contrasted with Lingard's to a singular degree. The illustration and the contrast Conrad attempted to achieve by letting the reader see key facts through the eyes of both men, even as in *Lord Jim* one sees them through both Jim and Marlowe. In his typically indirect way of telling a story, for example, he had the old sailor write a long narrative letter to the hero and then showed the latter's reaction to it. As much interested in Jörgenson's view as in Lingard's, he weighed down the narration with the old man's admonitions to Lingard to ignore the people on the yacht and look out only for himself. Typical of the warnings that he later cut from the letter was the following passage:

I don't know you, Tom Lingard, if you don't make a lot of trouble for yourself out of this affair. Out of all the lot of traders that rushed these seas of late you are the only man something after my mind. But you mean so well about so many things that a hellish mess is all I expect (*L.*, A. 17, p. 22; *8 R.*, 171).

The sentences were doubly inartistic in that they also represented Conrad's own prediction of what would come from Lingard's action and, consequently, destroyed suspense. In fact, nearly every time that Conrad let Jörgenson enter a scene, he became so engrossed anew in making the old man typify resignation that he forgot the urgency of narration and forgot, too, that he had already several times made plausible the ultimate casual suicide. During the last revision he improved the suspense and the proportions of the novel by trimming away numerous phrases by and about Jörgenson. In one place he struck out nineteen lines, including:

Jörgenson was a man who knew nothing of hesitations. . . . And, besides, thinking worried him. Of all things in man's life this was the most futile. It was also fatiguing (*L.*, July 3, p. 40; *8 R.*, 389).

What remains is still somewhat obtrusive. Having found an unusual expression of a favorite theme in the form of the strange, almost spectral being that had returned to the life of men, Conrad could not strip him of all that individualized him; and so Jörgenson was left, greatly reduced from his former and more intriguing estate, yet still throwing too large a shadow over a love story in which a lesser character would have served.

It was in the delineation of the hero and heroine that Conrad had to struggle most with the weakness that accompanied his artistic virtue. Besides the problem which he faced with the other characters of getting a right proportion in setting them on his stage, he ran constantly against what he himself recognized as a sin against true art, the sentimental.

In admiring Turgenev and spurning Dostoevski, Conrad was attracted by the simple, restrained style of *Fathers and Sons* and revolted by what he considered the "mouthings" of *The Brothers Karamazov*.²⁷ Dostoevski entered into the mental anguish of his characters with what seemed to Conrad unbounded sentimentality. But Conrad himself often, as in *Lord Jim*, had no story until he had probed into the recesses of the minds of his characters. As he worked on *The Rescue*, with its basically simple theme, he believed that he could reveal nuances of feeling in such a way as to individualize his hero and heroine, to make them more subtly significant than any others faced with their dilemmas. As he put it, the interest was "all in the shades of the psychology of the people engaged."²⁸ With a plot that involved very little action by the hero and almost none by the heroine, the story had again and again to stand still while the feelings of Lingard and Mrs. Travers were slowly and painstakingly unfolded.

So to expatiate on his main characters' emotions was in itself to border on sentimentality. Inextricably connected with such a method was a problem of style that harassed Conrad throughout his career. He was acutely conscious of it, as he revealed in a letter to a fellow author, Sir Hugh Clifford, in 1899. Having described a situation that could only arouse horror in the character and the reader, Clifford had continued by adding tags which dwelt on the obvious fact that the scene was horrifying and that the character was overcome with emotion. In rejecting the sentimental phrases, Conrad explained, ". . . it is the sort of thing that writes itself; it is the sort of thing I write twenty times a day and (with the fear of overtaking fate behind me) spend half my nights in taking out of my work."²⁹ Through insisting in *The Rescue* that there was something specially distinctive about each reaction of his protagonists, Conrad himself did write just such

²⁷ "Turgenev," *Notes on Life and Letters*, p. 48; Garnett, *ed. cit.*, pp. 240 and 249.

²⁸ *Supra*, p. 207.

²⁹ Jean-Aubry, *ed. cit.*, I, 280, in reference to Clifford's *In a Corner of Asia*, p. 261.

phrases as he warned against. With material for a good short narrative in which the tragedy could have been developed in stark simplicity, he attempted by elaboration to be subtle about what was basically obvious. The consequence was that even in the final version there are numerous resemblances to the posing in the sentimental novels and photoplays of the years 1900 to 1920.

Conrad usually had trouble with his women characters when they came into the foreground of a story. The themes which he best understood could be illustrated very well through the lives of men. *The Rescue* itself could properly have retained its first title, *The Rescuer*, and have kept Lingard alone as the center of interest, with Mrs. Travers revealed only as the hero saw her. But Conrad was uncertain in his perspective and, soon after introducing her as she appeared to Lingard, threw aside a limited point of view to narrate her history and enter intimately into her thoughts. Though to the hero she was Mrs. Travers from a strange world, to the author she was Edith (earlier Beatrix) Travers or just Edith, and the reader was suddenly startled to find that he must learn about her longings and unhappiness even before Lingard could. This close acquaintance weakened the sense of strangeness that should be associated with her as a person of another world from Lingard's. When he was about three-fifths of the way through the *Land and Water* serial, Conrad sensed the mistake in perspective and, not disturbed about consistency, substituted *Mrs.* for *Edith*.³⁰

The sentimental consequences, however, of Conrad's original point of view could not be avoided. The theme of the story demanded that the love of Lingard and Mrs. Travers, though not confessed until the end, should be instantaneous, that they should be overwhelmed on first meeting by a feeling of high, spiritual affinity. While Conrad still thought of his heroine as Edith, he must explain what the initial experience meant to her. But then, as pages were added and new situations came up, there was no chance for development of that love. All had been revealed, and Conrad could only harp on the various manifestations—glances, arm gestures, broken-off sentences. Though, again, he might have omitted much more in revision, every alteration which he made on the relation of Mrs. Travers and Lingard meant an improvement in the narrative suspense. From the first third he cut several passages in which Lingard, sometimes in sublime heroics, hinted

³⁰ In the book *Edith* Travers is reserved for a very few intimate touches.

at his great devotion to his Malay friends, Hassim and Immada, and Mrs. Travers was entranced as she listened.

The following are typical passages, later omitted, on her reaction to Lingard's words:

. . . as though she had become very simple and very accessible to the terror, the poetry and the sadness that may be found in the obscure events, she seemed to understand the ardour in the tone, the compelling power in the vision, and the mastery of the idea that enters the brain in the night, in a flash, perhaps in a dream, and clings to a life and can be only dislodged by death (*L.*, A 10, p. 24; δ R, 162).

He never looked more of a dreamer; but the dream must have been of infinite gentleness, the shadowy outline of an unattainable fancy, of exquisite charm, of seductive shape falling across his rugged path in the hot glare of life (*L.*, May 1, p. 26; δ R., 215).

To emphasize the intensity of Mrs. Travers' emotion, Conrad even caused the plain, seafaring Carter to reflect on the preoccupation of the "bewildered figure of the woman" and "in that misty feeling that came to him" to associate her with Lingard. A short time later Carter was reporting to Lingard, ". . . she argued with me as though she had known you from a child" (*L.*, A. 24, p. 20; δ R., 189). The inscrutable and intuitive Immada, likewise, sensed with a melancholy envy and foreboding the mutual captivation of the two (*L.*, May 8, p. 22; 31 lines δ R., 221).

Soon after the first meeting came these lines:

. . . not only this coast and these shallows, but the whole earth itself was too far away from their mood to be of the slightest importance (*L.*, May 1, p. 23; 9 lines δ R., 207).

A short time thereafter, they were alone together in a boat on a black night and again the universe faded before Mrs. Travers:

And it seemed to Mrs. Travers that nothing but her thought had survived, floating on this shoreless ocean of darkness in which the lost earth was less than a grain of sand in the immensity of a desert (*L.*, May 15, p. 26; δ R, 241).

Having previously appealed to Lingard's memories, she was soon examining with him the nature of his "unconscious impulses." Between ten and twelve pages altogether of this sort of posing and soul-baring were cut from the first two-thirds of the story. The instantly recognized affinity remained, but the sense of strangeness was enhanced and the revelation of each to the other was reserved for the ending.

Besides deleting the premature and usually sentimental passages on the fascination, Conrad struck out much of what was intended to emphasize Mrs. Travers' beauty and exquisite sensibility. Because she herself did little, he had resorted to exposition, description, and in-

sistence that others besides Lingard admired her. She had a "subtle power of comprehension" and was dazzling in the "radiance of her beauty." As Immada looked at her, she was filled "with admiration, with wonder, and with terror [of her power]." What Immada saw is then catalogued:

. . . her tall stature, the dazzling paleness of that head, the hair so fair, the eyes so deep, the voice like no other voice ever heard on earth, the white teeth, the red lips, the stately movements, the imperious air—the amazing appearance of an imperishable youth (*L.*, May 1, p. 27; *δ R.*, 221).

In his feverish attempt to make Mrs. Travers represent for Lingard a dream-like beauty and yet to keep her in the midst of affairs, Conrad kept posing her in ways that would reveal the whiteness of her hand, the graceful curve of her neck, or her elegant poise. When he returned to the story in a more sober mood and read through it with more rapidity, he could see that an occasional brief allusion was artistically better. It is true that he might have revealed still superior taste by putting Mrs. Travers in the background as a symbol, like Irene of *The Man of Property*, but that would have meant complete rewriting and a different emphasis.

In Lingard, Conrad had a hero on whose actions it was particularly easy to sentimentalize. He was handsome, brave, and visionary; and, like a Byronic hero, he was born to suffer. In the serial versions he could do nothing in a commonplace manner. His every emotion had to have its appropriate heroic gesture. To show determination he "laid his clenched fist on the table . . . with the strong fingers closed tight upon the firm flesh of the palm" (*L.*, F. 6, p. 24; *δ R.*, 38). If abstracted, he had "the contemplative expression of one who, while speaking to men, communes with a vision" (*L.*, A. 24, p. 20; *δ R.*, 186). In thinking of Hassim and Immada, he became patriarchal in voice and language. They were "like children—patient, trustful, obedient—like my children. Mine!" (*L.*, May 8, p. 23; *δ R.*, 227). When hinting to Mrs. Travers of his heroic aspirations or refusing to defend himself from her husband's suspicion of his honesty, he was like a martyr in his theatrically modest restraint. And when, soon after meeting Mrs. Travers, he retired to his cabin, where the lamp light emphasized the strong manliness of his profile and the sadness of his countenance, he became almost Wertherian. For twenty-six lines he let his fancy carry him away and, sturdy though he was, actually "swayed a little" (*L.*, A. 17, p. 24; 26 lines *δ R.*, 177). In his entire

soliloquy there was only one normal, human touch, totally incongruous with the rest, his reference to Travers as "a whiskered little skunk."

To stress the mysterious, intuitive nature of Lingard's capacity for apprehending, Conrad resorted to such words as "unaccountably," "inexplicable," and "almost supernatural" and to scores of "as though" comparisons. In short, his difficulty sprang from the very nature of his special genius. His best plots are of no consequence until the actions have been ruminated on. Then their profundity is revealed. In *The Rescue* Conrad wanted to show Lingard acutely attuned to every mood of nature, inspired by rare dreams of friendship and love, and capable, at the end of the story, of sharing an eternal, universal sadness. In the fear of not developing the theme, Conrad insisted on it in the very way he had warned against at the time he first worked on the novel.

In the final version, by making hundreds of deletions, ranging from adverbs, like "hopelessly" or "sorrowfully," through "as though" clauses, up to the twenty-six line soliloquy, Conrad restored Lingard as a rather creditable hero. He did not change his personality; there are enough lines left, some of them as good as Conrad ever wrote, to convey the author's original conception of Lingard. Again one could wish that the last revision could have been more leisurely, but every change that Conrad did make in the spirit of his warning to Clifford was sound.

C. *The Phrasing.*

The excisions involved in the reportioning and the reduction of the sentimental are immediately striking in the revision. Even more significant, however, as an indication of how Conrad worked and of what he required in art are the hundreds of changes which improve the accuracy and connotation of the phrasing.

Of the entire novel *Romance*, written by Conrad and Ford, Conrad, in 1915, singled out one line as being immortal. In a casual answer to a judge, who has asked his occupation, a peasant replies, "Excellency, a few goats." This single line Conrad found "esoteric, symbolic, profound and comic."³¹ A line or a scene might be good in an otherwise mediocre novel, but, to Conrad, no novel could be good in its general effect if its individual lines were only fair. Consequently, he found in every sentence, in every word, a challenge to his genius. The greatest temptation which an author had to resist was of being con-

³¹ Jean-Aubry, *ed. cit.*, II, 169; cf. *Romance*, p. 464.

tented with the "à peu près,"—the horrid danger of the near enough."³² Though several of the changes in phrasing in the last revision of *The Rescue* were obviously hasty,³³ a great number show Conrad's untiring search for the proper word. In making them, the author was doing something quite different from critically paring down what he had once created in excess. As in the alterations of chronology and geography, he was creating afresh.

One type of change in phrasing which shows how minutely Conrad recreated the story consists of the substitution of one attribute for another. For example, "dark clumps of bushes on the sandbanks appeared immense" became "low clumps. . ." (*L.*, F. 20, p. 21; *R.*, 64). Recalling his observations in Malaya, Conrad realized that the singular effect of light and shadow there was to exaggerate and intensify natural phenomena even as they intensified human emotion, to make small things seem vast.³⁴ The "dawn of a July morning" in D'Alcacer's reminiscence of his first meeting Mrs. Travers became the "dawn of a London morning" (*L.*, Mar. 27, p. 21; *R.*, 140). *July* offered no contrast with the tropics, but the very word *London* suddenly recalled the world from which Mrs. Travers had escaped, a world for the moment fantastically unreal. ". . . those qucer friends of yours"—in Carter's reference to Malays—became "those brown friends. . ." (*L.*, May 8, p. 24; *R.*, 232). In *brown* Conrad epitomized the prejudice and lack of insight which prevented the average white man from perceiving the genius of the Malay race. To get the precise word to describe Lingard as he should appear to Mrs. Travers, Conrad revised twice. In *Land and Water*, Lingard was a "plain seaman," in *Romance*, a "common seaman," and finally a "roving seaman" (*L.*, A. 10, p. 24; *Rom.*, Part III, 77; *R.*, 162).

In other changes the new word or phrase more accurately fitted the personality of a character or the psychological situation. At first, for example, when entrusted by Lingard with control of the brig,

³² *Ibid.*, II, 118. Letter to Mrs. Sanderson, Sept., 1910.

³³ For example, "But as to being alive he was not so sure" > "It was as to being alive that he felt not so sure" (*L.*, July 17, p. 38; *R.*, 431).

One unusual method Conrad used in four instances was to expand or to telescope sentences and end with a new relationship of words. Thus, "Her eyes ranged . . . and then all at once became aware of Jörgenson. She was back on board the *Emma* looking at the empty cage" was shortened and altered to "Her eyes ranged . . . and then all at once she became aware of the empty cage" (*L.*, June 26, p. 34; *R.*, 367).

³⁴ *Supra*, footnote 23.

Carter assented "dubiously." But because Carter was a self-assured person, Conrad substituted "modestly" (*L.*, May 8, p. 24; *R.*, 232). Travers, unwilling to adapt himself among his strange new companions, sneered, "They are beneath my notice." Since, however, Travers, though a conventional bore, must possess some urbanity and not be too vulgarly arrogant, the line became the less obvious "I prefer not to notice" (*L.*, June 19, p. 36; *R.*, 346). In turn, Mrs. Travers' feeling toward her husband had to be kept at a polite level lest her own personality be cheapened. Accordingly, when tragedy has overtaken her, she now refers to him not "with such contempt," but "in such a bitter tone" (*L.*, July 31, p. 36; *R.*, 459). Other phrases of or about Mrs. Travers were made psychologically more plausible. For example, in said, "Then you know why I shouted twice after King Tom." "Twice" was too exact and calculated. Conrad changed "shouted" to "called" and omitted the count (*L.*, June 26, p. 33; *R.*, 364). Similarly, in paraphrasing her thoughts after the one embrace in the book, Conrad first used ". . . she had been off the earth once or twice, without shame, without regret." He changed this to ". . . been carried off the earth, without. . . ." (*L.*, July 3, p. 42; *R.*, 396). In atonement for the harm her presence had caused, Mrs. Travers, using the language appropriate to the rescue of her husband and D'Alcacer from their Malay captors, repeated the fact that she must pay a "ransom" by meeting Lingard once more to accept whatever reproaches he might offer. Because the term had to convey Mrs. Travers' most intense feeling, Conrad, in *Romance*, rewrote some of the lines in which it appeared, but he still fell short of the connotation which he needed. Explanatory phrases did not help; there was no substitute for the right words. Finally, in the book, still with the concept of ransom in mind, he hit upon the Biblical phrase "the uttermost farthing."

The importance of diction and the treachery of the *à peu près* is perhaps most strikingly revealed in one adverb. Jaffir, reliable and determined servant, has survived the explosion and performed a prodigious feat of endurance in order to deliver to Lingard the ring and message of Hassim before dying of exhaustion. His story is incoherently told, with part clear only by implication. After his death, Lingard, in the serials, thought of him "with his last message imperfectly delivered, but untroubled now. . . ." As the last few pages revealed, however, Lingard envied Jaffir because, before he died, the

old servant achieved what he set out to do, whereas Lingard himself had failed. The word "imperfectly," in fact, destroyed Jaffir's *raison d'être*, even though it did describe the fragmentary form of his message. The line now reads ". . . message delivered and. . ." (L., July 24, p. 38; R., 453).

As one would expect, changes were most numerous in the dramatic parts and in the very last pages. In an effort to develop meaning, Conrad sometimes inserted in the *Romance* version expository analyses, only to reject some of them in the book and return to the *Land and Water* text. More often he wrote still a third version to get the effect without resorting to exposition. His most extensive revision in the book was in the last two pages, where, after guiding the yacht to open sea, Lingard symbolized his feelings by going below until the yacht had disappeared and then giving Carter the order to sail in the opposite direction. The following extract is the last half page of the *Land and Water* text, with the *Romance* variants in brackets:

"The tide has turned [and it will be dark soon]," he said. "It's time [for us] to fill the main topsail and get clear of all [the brig away from] these shoals. Will you give me the course for the night, sir?"

For a long time Lingard did not stir. When at last he did [turned], his movement was preceded by a sigh coming [that came] from the innermost depths of his being. But he confronted Carter with an inscrutable face.

"On what bearing did you lose sight of the yacht?" he asked in a low voice.

"She was bearing [bore] south, sir, when I saw the last of her."

Lingard let his eyes wander [rest] in the southern board, along [on] the empty edge of the dark abyss encircling the purple waters over which the shadows were creeping from all sides towards [toward] the setting sun.

"Steer north," he said.

Here the *Romance* alterations are negligible, except as they show Conrad's search for a greater clarity or a questionable change in the rhythm. In preparing the text for the book, he rearranged the order, giving Carter's reference to the main topsail to Lingard and putting earlier what originally introduced Lingard's last words. He omitted the dark abyss and had the shadows come from the southeast alone. Most significant of all was his rewriting of the phrases portraying his hero's feelings here, at the end of his adventure. The "sigh coming from the innermost depth of his being" described Lingard's emotion, but the revised "deep tremor of his powerful frame" reminded one in the very last lines of the book that this was the tragedy of a sturdy sea captain whom no mere elemental and physical forces could have subdued. Though the metaphor of the uprooted tree may seem forced

(it seems less so in the complete context), the reference to Lingard's manner of speaking his last words heightens the emotion and makes clearer his mental state:

"The tide has turned and the night is coming on. Hadn't we better get away from these Shoals, sir?"

Lingard did not stir.

"Yes, the night is coming on. You may fill the main topsail, Mr. Carter," he said and he relapsed into silence with his eyes fixed in the southern board where the shadows were creeping stealthily toward the setting sun. Presently Carter stood at his elbow again.

"The brig is beginning to forge ahead, sir," he said in a warning tone.

Lingard came out of his absorption with a deep tremor of his powerful frame like the shudder of an uprooted tree.

"How was the yacht heading when you lost sight of her?" he asked.

"South as near as possible," answered Carter. "Will you give me a course to steer for the night, sir?"

Lingard's lips trembled before he spoke but his voice was calm.

"Steer north," he said.

These were the revisions of an author who had so acute a sense of the magic of style that he could say, "Give me the right word and the right accent and I will move the world."³⁵ They were not those of a mere self-critic; they came from the author's creatively reliving the scenes and sensations in his novel.

Though *The Rescue* is an extreme example and, even after the last revision, is still one of Conrad's lesser novels, his work in revising it illuminates his fundamental method in approaching a subject.

Conrad was a master of the separate types of materials which he used in *The Rescue*, as he proved in such works as *Lord Jim*, *The Nigger of the "Narcissus,"* *Typhoon*, and "The Lagoon." They were individually significant expressions of his most profound philosophical views. But writing was not for him an objective process by which he could methodically exclude conflicting elements and establish the right proportions for his narrative. As he once stated, he had to depend on "the truth of my own sensations" and, without a clear-cut design, feel his way through scenes impelled only by "temperament."³⁶ He himself recognized that these were not unerring guides, particularly when he went outside his experience to present facts not spiritually autobiographical. Consequently, he called on others, in this instance

³⁵ *A Personal Record*, p. xiv.

³⁶ *Typhoon*, vii-ix, and Curle, *Conrad to a Friend*, p. 149.

Garnett, for help. With the hints supplied him and with the perspective that came with the completion of the novel, he could discover where his sensations had originally led him astray onto interesting tangents. The omissions, amounting to between twenty-five and thirty pages, were with few exceptions improvements. They tended to subdue elements which distracted from his main theme. In making them, Conrad had come as near as he could to critical objectivity. He was still dependent more on the truth of his sensations than on impersonal artistic principles. He could know that a scene was true for him if it expressed his feelings about life, but he could not infallibly determine its relevance to the main artistic effect at which he aimed. It is for that reason that the proportions of the final version are still imperfect.

At the same time, the revision shows the nature of Conrad's genius. He could not judge his work dispassionately because his impulse, whether in the first or last version, was always to create. Conrad once sent Mrs. Conrad away from home so that she would not have to share with him the nervous exhaustion of original composition.³⁷ In the numerous references in his letters to the revising of typescripts and proof sheets, he shows that the strain of such work was only less fatiguing than the first writing of a story. Certainly, even though hurried and though oppressed with ill health and domestic anxiety, Conrad could still bring himself, in revising *The Rescue*, to forget everything else except his art and to recreate with all their original intensity and minute detail situations and delicate shades of characterization and emotion, some of which he had first created as much as two decades before and had since returned to several times. Conrad the reviser was better balanced and surer of his goal than Conrad the adventurer into a new and uncharted story, but he was still essentially the creative artist who could capture again the excitement and, despite its anguish, the inherent joy of artistic creation.

³⁷ Jean-Aubry, *ed. cit.*, II, 295; cf. also *A Personal Record*, pp. 98-101.

A TENTATIVE CALENDAR OF DAILY THEATRICAL PERFORMANCES, 1660-1700*

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Someday someone will do a definitive calendar of theatrical performances in London from the Restoration in 1660 to modern times. The material for such a calendar has been accumulating rather rapidly in the last twenty-five years, some of it existing in easily accessible sources, some in isolated units. In the interval before a definitive calendar is achieved, this compilation is intended not only to be a useful bringing-together of all the known day-to-day performances in London between 1660 and the end of the season of 1699-1700 but also an attempt to discuss some of the problems and conflicts that are apparent when these data are placed into a single chronology. Additions and corrections to this list will be greatly welcomed.

In principle, this calendar includes stage performances for which it is possible to name or conjecture a play acted on a specific day and those which are conjecturally established as very near a given day.¹ I have offered as a source for the performance the most accessible and authoritative one. For example, I have referred to Allardyce Nicoll's lists of performances which royalty attended rather than to the Lord Chamberlain's accounts from which the data were secured, and to Miss Rosenfeld's excerpts from newspapers rather than to the newspapers themselves. This procedure would not be altogether satisfactory in a definitive calendar, but in this tentative one it has the advantage of making the references easily available to all readers.

For each performance I have given the day, the theatrical company which offered the play, the drama (given by the title used in the source), and the source. Performances or portions of a listing which appear in brackets represent a conjectural or debatable point. A question mark indicates doubt concerning an element in the performance or the performance itself. Because in a list of this sort it is necessary

* I wish to express my indebtedness to Dr. A. H. Scouten of the University of Texas for aid and suggestions in the preparation of this calendar. Dr. Scouten and I wish to announce that we hope to prepare for eventual publication a calendar of theatrical performances in London from 1700 to the early nineteenth century.

¹ I have generally omitted those conjectures which place a play probably within a given month or year unless an attempt has been made to specify the day. If this calendar is used in conjunction with Alfred Harbage's *Annals of English Drama, 975-1700* (Philadelphia, 1940), plays dated as falling within a given month, season, or year can be linked with the performances listed here

to make decisions and place performances under a specific day and year, I have called attention to the principal problems both by the use of question marks and by footnotes discussing the problems.

The dating of a large number of these performances is dependent upon establishing the practice of the theaters in acting or not acting at certain times of the year, particularly on Sundays; on January 30, the anniversary of the death of Charles I; on Wednesdays and Fridays in Lent; during Passion Week; and on Christmas Day. It seems advisable, therefore, to summarize the evidence which points to the customary practice of the theaters.² Before 1660 the procedures of the playhouses are partially but not completely known; with respect to Lenten practice, G. E. Bentley has stated: "I think we can conclude from this evidence that there was always some sort of restriction on the players during Lent (probably plays were usually forbidden on Wednesdays and Fridays and on all days in Passion Week), but that it was generally possible to open the theatres part of the time providing the proper arrangements were made with Sir Henry Herbert."³ Concerning Sunday performances before the Commonwealth there is also no certainty. *The Stage Condemn'd* (1698) denounces masques on Sunday at the Court of Charles I and indicts the Church of England for not condemning Sunday performances then and for not opposing the stage under Charles II and James II⁴ but does not directly refer to Sunday performances after 1660.

At the other end of this calendar, the practices after 1700 are more certainly known and more rigidly observed. With the establishment of regular advertisements of theatrical performances in the *Daily Courant* in 1702, it is apparent that, from very early in the eighteenth century, the patent theaters never performed on Sundays, on January 30 (or its equivalent if it fell on Sunday), on Christmas Day, and almost never on Wednesday or Friday in Lent and in Passion Week. At some time between 1660 and about 1702 these practices passed from generally observed to carefully observed ones. Although it seems impossible now to determine the point at which systematic adherence to these non-acting times was inaugurated, it is possible to present some clues concerning theatrical practice.

² Some years ago, in "The Première of *The Mourning Bride*," *MLN*, LVII (1942), 55-57, I discussed some of the evidence concerning practices during Lent in the late seventeenth century.

³ *The Caroline and Jacobean Stage* (Oxford, 1941), II, 655 n.

⁴ Pages 36-37.

Much of the evidence concerning non-performance on Sundays is negative. For example, during ten years of recording his attendance at plays, Samuel Pepys never saw a play on a Sunday and seems not to have referred to any stage play given on a Sunday. Similarly, in the lists of performances in the records of Sir Henry Herbert⁵ from November 5, 1660, to December 8, 1660, and from December 11, 1661, to May 17, 1662, there are no Sunday performances. At the end of the century Lady Morley, whose record of attendance covers many performances during several years, did not attend a play on a Sunday.⁶ It is of some significance, too, I believe, that the moralists, at the height of their attacks on the stage during and after 1698, did not select performances on Sunday as an additional cause for indicting the stage. Had Sunday performances occurred regularly, or even occasionally, one would expect Jeremy Collier and his fellow moralists to make capital of the fact. Their silence on this point suggests that Sunday was not an acting day. In that same period, in a charge made against the players for acting in licentious plays between June 24 [1700] and February 12 [1701?] the indictment specifies "Daily Sundays excepted," a phrase which implies that Sundays were non-acting days. Although the evidence is not conclusive, I have questioned performances whose dates fall on Sundays.

To take the other problems chronologically, it appears that January 30 was early established as a fast day and rather carefully observed. Both John Evelyn⁷ and Samuel Pepys⁸ on January 30, 1660/1 refer to the inauguration of this fast day in memory of Charles I, and Pepys on January 30 in 1661/2 and 1662/3 refers to the solemn observance of the fast. And on October 15, 1666, when plays were near resuming after the plague, Lady Carteret told Pepys her disapproval of the fact that "they have heretofore had plays at Court the very nights before the fast for the death of the late King."⁹ Lady Carteret's disapproval of this practice suggests that she would have been more

⁵ See *The Dramatic Records of Sir Henry Herbert*, ed. J. Q. Adams (New Haven, 1917), pp. 117-18.

⁶ See Leslie Hotson, *The Commonwealth and Restoration Stage* (Cambridge, Mass., 1928), pp. 377-79.

⁷ *The Diary and Correspondence of John Evelyn*, ed. William Bray (4 vols.; London, 1889), I, 364.

⁸ *The Diary of Samuel Pepys*, ed. H. B. Wheatley (8 vols.; London, 1924), I, 313.

⁹ *Diary*, VI, 21.

alarmed had performances on the fast day itself occurred.¹⁰ It seems likely that the players did not act on this day either in the theaters or at Court, and the only real problem in this calendar based on this custom (January 29-30, 1668/9) has been resolved on that premise.

The problem of Lenten performances is a more difficult one. The evidence points to these conclusions: ordinarily there were no performances on Wednesdays and Fridays in Lent and none in Passion Week. Whatever may have been the custom before the Commonwealth, after 1660 there was no total prohibition of acting on every day in Lent, although Pepys, on Thursday, March 3, 1663/4, when Ash Wednesday was February 24 and Easter was April 10, suggests, when he states, "thinking to have gone to have seen a play . . . they tell us there are none this week, being the first of Lent," that occasionally the theaters may have closed for a whole week sometime preceding Passion Week. Normally, however, only Wednesdays and Fridays were non-acting days in Lent. For example, Pepys, on March 1, 1666/7, a Friday in Lent, records, "and that it were not Friday (on which in Lent there are no plays) I had carried her [Mrs. Pepys] to a play." Similarly, an epilogue by Charles Sackville states:

When any Fast, or Holy-days, defer
The Publick Labours of the *Theatre*,
We ride not forth although the day be fair,
On Ambling Tit to take the Suburb-air,
But with our Authors meet, and spend that time
To make up quarrels between sence and rhyme.
Wednesdays and Fridays constantly we sae . . .¹¹

In February, 1664/5, when there was a likelihood that the Lenten restrictions might be lifted for that year, John Evelyn, protesting the proposal, points out that the theaters in London then acted more often

¹⁰ There still remains the question of how regularly the theaters observed the rather frequent fast days ordered during the period from 1660 to 1700, especially during the wars or times of crises. Nicholas Luttrell refers rather frequently to such special fast days, but I have not found very specific evidence as to the effect of these upon the theaters.

¹¹ In *A Collection of Poems Written upon Several Occasions*. By several Persons, 1673, pp. 29-32, as quoted in R. G. Noyes, *Ben Jonson on the English Stage, 1660-1776* (Cambridge, Mass., 1935), p. 248. In a document presumably written by Edward Hayward, deputy to Sir Henry Herbert of the Office of the Revels, Hayward, March 29, 1664, points to the necessity of licensing other revels besides plays and hopes "that his Majesty would countenance this particular, as to the lycencing all upon easy terms, by which means every victueller may bee bound to observe lawfull seasons, and good orders, otherwise it will become a common custome to play on fast days, in time of divine service, and at other seasons prohibited" (*Dramatic Records of Sir Henry Herbert*, p. 135). Hayward's remarks would suggest that playing ordinarily did not occur on prohibited days.

in Lent than playhouses elsewhere. Discussing the lessening of abstinence, Evelyn wrote to Viscount Cornbury:

My Lord, you are a pious person, and the Lenten abstinence minds me of another incongruity that you Parliament-men will I hope reform, and that is the frequency of our theatrical pastimes during that indiction. It is not allowed in any city of Christendom so much as in this one town of London, where there are more wretched and obscene plays permitted than in all the world besides. At Paris 3 days; at Rome 2 weekly; and at the other cities of Florence, Venice, etc.¹²

The fact is that the Wednesday and Friday closings would still permit four acting days a week in London and would also allow for more acting days there than in the cities to which Evelyn refers, and again one could assume that, had there been no closed days for acting in London during Lent, Evelyn would have emphasized that point rather than the (to him) too large number of acting days. It is noticeable, too, that in the records of Sir Henry Herbert for the opening months of 1662 the King's Company did not act on a Wednesday or Friday in Lent or in Holy Week of that year.¹³

Were it not for some authentic exceptions to these closures, the matter would seem reasonably well settled. Pepys, however, makes it clear that sometimes the "young people" of the theaters were given special permission to act on those days in Lent, as on Wednesday, March 20, 1666/7, Wednesday, March 3, 1668/9, and Wednesday, March 17, 1668/9. Concerning the performance on March 20, 1666/7, Pepys wrote most fully, for on Thursday, March 21, he went to the Duke of York's Theater,

where unexpectedly I come to see only the young men and women of the house act; they having liberty to act for their own profit on Wednesdays and Fridays this Lent: and the play they did yesterday, being Wednesday, was so well-taken, that they thought it fit to venture it publickly today.¹⁴

How often this type of permission was given is unknown, and how often other plays, like *The Reformed Wife*, produced at Drury Lane in March, 1700, "on a Wednesday in Lent,"¹⁵ proved to be exceptions,

¹²*Diary and Correspondence*, ed. Bray, III, 151-2.

¹³ That the Court tended to observe these principles is suggested by Pepys on February 23, 1662/3, when he speaks of the play he saw that day as the "last play that is likely to be acted at Court before Easter [April 19], because of the Lent coming in" (III, 48) and by Peregrine Bertie, writing to the Countess of Rutland on Thursday, February 11, 1685/6, "Saturday the Court goes to another play, to take their leaves of those vanities till after Lent" (Historical Manuscripts Commission, Rutland Mss., 12th Report, Part V [London, 1889], p. 104).

¹⁴ VI, 219.

¹⁵ See *The Dramatic Works of William Burnaby*, ed. F. E. Budd (London, 1931), p. 49.

it is impossible to say. Hence the only certain conclusion is that normally the patent theaters did not act on Wednesdays and Fridays in Lent but occasionally they might. In querying performances in this calendar, I have followed what seems to be the normal custom of closing on these days unless there is specific evidence, such as Pepys' remarks on March 21, 1666/7, to the contrary.

With respect to non-performance in Passion Week, the evidence is less conflicting. In the reign of James I it was apparently not permitted to act in Holy Week, nor could special dispensation to do so be obtained by a fee to the Master of the Revels.¹⁶ This custom apparently prevailed after 1660. Pepys, I believe, never saw or knew of a play's being acted in the week preceding Easter, and on Monday, March 24, 1661/2, when Easter fell on March 30, he writes, "I went to see if any play was acted, and I found none upon the post, it being Passion Week."¹⁷ I think that, if one considers the practice before 1660, Pepys' evidence, the fact that Herbert's lists for 1662 show no play in Holy Week, the fact that Lady Morley never attended a play in Holy Week, the custom after 1700 of not acting then, the lack of any hue and cry by the moralists on the matter, and the relative infrequency of performances in this calendar which fall within that week, it is likely that the custom of abstinence from plays in Holy Week was carefully observed by the patent theaters.¹⁸

The question of performance at Christmas is not a major problem. On December 25, 1668, Pepys writes, "thinking to have seen a play all alone; but there [the Temple] missing of any bills, concluded there was none."¹⁹ Were it not for such puzzling evidence as the charge that Thomas Doggett on "25th day of December in 1700" used profane language on the stage,²⁰ one could simply assume that Christmas Day, as it was in the eighteenth century, was a non-acting day.

¹⁶ *Dramatic Records of Sir Henry Herbert*, pp. 47-48. It would appear that the special license then available for acting in Lent permitted playing only in the weeks before Holy Week and only on the non-sermon days in Lent, but Pepys' records show that after 1660 a special arrangement did permit acting on some of those days.

¹⁷ II, 196.

¹⁸ For a major exception in this calendar, see a performance on Tuesday, March 25, 1662. It should be emphasized that the patent theaters seem more rigorously to observe this custom than others, a condition which prevailed into the early eighteenth century, for Henry Fielding, when conducting the Little Haymarket, sometimes performed on Wednesdays and Fridays in Lent and in Holy Week.

¹⁹ VI, 108.

²⁰ J. W. Krutch, *Comedy and Conscience after the Restoration* (New York, 1924), p. 170.

Inconclusive as these data sometimes are, I have acted upon the principle that performances which fall on January 30, on Wednesday and Friday in Lent, in Passion Week, on Christmas, and on Sunday are to be questioned unless there is positive evidence supporting a performance on a doubtful day. In addition, performances for which the year is in doubt, a condition that often prevails before March 25 of each year because of the Old Style calendar, have been placed in the year which causes the fewer conflicts with these principles. Because all such conflicts are discussed in the calendar itself, the problems will be seen more clearly as one examines it.

The following shortened forms have been used in naming the sources:

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Summers, Downes—Montague Summers' notes to his edition of Downes' *Roscius Anglicanus*. London, n.d.

Summers, PP—Montague Summers. *The Playhouse of Pepys* New York, 1935.

Summers, RT—Montague Summers. *The Restoration Theater*. London, 1934.

White—A. F. White. "The Office of Revels and Dramatic Censorship during the Restoration Period." *Western Reserve University Bulletin*, New Series, XXXIV (1931), 5-45.

Date	Company	Play	Source
1660			

[c. June 6.¹ Red Bull? Madam Epicoene. Pepys, I, 160.]²

[Su June 24? Red Bull. The Tamer Tamed. Sprague, p. 8.]³

S Aug. 18. Cockpit (Drury Lane).⁴ The Loyal Subject. Pepys, I, 207-8.

Th Oct. 11. Cockpit (DL). The Moor of Venice. Pepys, I, 241.

T Oct. 16. Cockpit (DL). Wit without Money. Pepys, I, 243.

T Oct. 30. Cockpit (DL). The Tamer Tamed. Pepys, I, 252.

M Nov. 5. King's (Red Bull). Wit without Money. Herbert, p. 116.

T Nov. 6. King's. The Traitor. Herbert, p. 116.

W Nov. 7. King's. The Beggars' Bush. Herbert, p. 116.

Th Nov. 8. King's.⁵ Henry the Fourth. Herbert, p. 116.

¹ Spencer, p. 8, believes that the probable latest date at which Rhodes organized his company at the Cockpit in Drury Lane was March 24, 1660, but no performance before June is certainly known.

² On June 6, 1660, Pepys states that nobility were "at a play, Madam Epicoene, the other day."

³ The basic authority for this performance is "A Prologue to a Comedy call'd The Tamre Tam'd," which is in Thomas Jordan's *Royal Arbor of Loyal Poesie*. The prologue has been reprinted by H. G. Norton in *The Shakespeare Society Papers*, IV (1849), 140-42, and by Sprague, p. 8. To the prologue is attached the date of June 24, 1660, though several later writers have given it as June 25. Spencer, p. 59 n, points out that June 24 falls on Sunday, a doubtful day of acting.

⁴ Spencer, p. 19, argues for the Cockpit in Drury Lane for this performance and those on October 11, 16, 30.

⁵ From this date through May 6, 1663, the King's Company occupied the theater in Gibbon's Tennis Court (Hotson, p. 206, 249).

- F Nov. 9. King's. *The Merry Wives of Windsor*. Herbert, p. 116.
 S Nov. 10. King's. *The Silent Woman*. Herbert, p. 116.
 [?M Nov. 12. King's. *Love's Mystery*. Herbert, p. 116.]⁶
 T Nov. 13. King's. *Love Lies a Bleeding*. Herbert, p. 116.
 Th Nov. 15. King's. *Love's Cruelty*. Herbert, p. 116.
 F Nov. 16. King's. *The Widow*. Herbert, p. 116.
 S Nov. 17. King's. *The Maid's Tragedy*. Herbert, p. 116.
 M. Nov. 19. King's. *The Unfortunate Lovers*. Herbert, p. 116.
 At Court (King's). *The Silent Woman*. HMC⁷.
 T Nov. 20. King's. *The Beggars' Bush*. Pepys, I, 267-8; Herbert, p. 116.
 W Nov. 21. King's. *The Scornful Lady*. Herbert, p. 116.
 Th Nov. 22. King's. *The Traitor*. Pepys, I, 270; Herbert, p. 116.
 F Nov. 23. King's. *The Elder Brother*. Herbert, p. 116.
 S Nov. 24. King's. *The Chances*. Herbert, p. 116.
 M Nov. 26. King's. *The Opportunity*. Herbert, p. 117.
 T Nov. 27. [King's].⁸ *The Scornful Lady*. Pepys, I, 273.
 Th Nov. 29. King's. *The Humorous Lieutenant*. Herbert, p. 117.
 S Dec. 1. King's. *Claricilla*. Herbert, p. 117.
 M Dec. 3. King's. *A King and No King*. Herbert, p. 117.
 T Dec. 4. "Playhouse" [King's].⁹ *The Silent Woman*. Pepys, I, 277.
 W Dec. 5. "new Theatre" [King's]. *The Merry Wives of Windsor*.
 Pepys, I, 278.
 Th Dec. 6.¹⁰ King's. *Rollo, Duke of Normandy*. Herbert, p. 117.
 S Dec. 8. King's. *The Moor of Venice*. Herbert, p. 117.
 M Dec. 31. King's. *Henry the Fourth*. Pepys, I, 291.

1661

- Th Jan. 3. King's. *The Beggars' Bush*. Pepys, I, 294.

⁶ This entry, erased in the original manuscripts of Herbert's records, is a doubtful performance; however, Summers, BRD, p. 13, lists it.

⁷ Edward Gower to Sir R. Leveson, November 20, 1660: "Yesternight at the Fleece Tavern . . . The gentlemen were discoursing of the play which they then came from, by name the Unfortunate Lover. . . . Yesternight the King, Queen, Princess, &c. supped at the Duke d'Albemarle's, where they had the *Silent Woman* acted in the Cock-pit." HMC, 5th Report, p. 200. For the prologue spoken at the Cockpit, see *Rare Prologues and Epilogues, 1642-1700*, ed. Autrey Nell Wiley (London: George Allen & Unwin, 1940), pp. 11-12.

⁸ Pepys does not name a theater.

⁹ Pepys refers to the King's Theater as "the Playhouse," "the new Theatre," or (most frequently) "the Theatre." After these entries for Dec. 4 and 5, I have changed his references to this theater to simply "King's."

¹⁰ "Plays at Court every week." Andrew Newport to Sir Richard Leveson, Dec. 6, 1660. HMC, 5th Report, Pt. 1 (London, 1876), p. 158.

(1661, continued)

F Jan. 4. King's. *The Scornful Lady*. Pepys, I, 295.

M Jan. 7. King's. *The Silent Woman*. Pepys, I, 297.

T Jan. 8. King's. *The Widow*. Pepys, I, 298.

[W Jan. 9. King's. *The Wedding*. Herbert, p. 117].¹¹

S Jan. 19. King's. *The Lost Lady*. Pepys, I, 307; Herbert, p. 117.

F Jan. 25. [King's].¹² *The Scornful Lady*. Evelyn, I, 364.

M Jan. 28. King's. *The Lost Lady*. Pepys, I, 311.

T Jan. 29. "Blackfriars."¹³ *The Maid in the Mill*. Pepys, I, 312.

Th Jan. 31.¹⁴ King's. *Argalus and Parthenia*. Pepys, I, 314; Herbert, p. 117.

T Feb. 5. King's. *Argalus and Parthenia*. Pepys, I, 317.

S Feb. 9. Whitefriars [Duke's]. *The Mad Lover*. Pepys, I, 320.

T Feb. 12. King's. *The Scornful Lady*. Pepys, I, 321.

S Feb. 16. King's. *The Virgin Martyr*. Pepys, I, 322.

S Feb. 23. Duke's.¹⁵ *The Changeling*. Pepys, I, 326.

F March 1. Duke's. *The Bondman*. Pepys, I, 329-30.

S March 2.¹⁶ Duke's. *The Queen's Mask* ("a new play"). Pepys, I, 330.

M March 11. Duke's. *Love's Mistress*.¹⁷ Pepys, I, 334.

Th March 14. King's. *A King and No King*. Pepys, I, 335.

S March 16. Duke's. *The Spanish Curate*. Pepys, I, 335.

T March 19. Duke's. *The Bondman*. Pepys, I, 336.

S March 23. Red Bull. *All's Lost by Lust*. Pepys, I, 338.

M March 25. Duke's. *The Queen's Mask*. Pepys, I, 339.

T March 26. Duke's. *The Bondman*. Pepys, I, 340.

¹¹ Herbert's List gives Monday, 9; but that would seem to be a mistake for Wednesday, 9. On Monday, 7, Pepys saw *The Silent Woman* at the King's Theater.

¹² See Spencer, p. 61, or Sprague, p. 17.

¹³ Spencer, pp. 47-52, argues that "Blackfriars" is a slip on Pepys' part for Whitefriars, one of the names by which the Duke's Theater was known, and that Pepys saw on this day the Duke's Company.

¹⁴ Herbert, p. 117, lists other plays between January 31 and December 11, but the exact dates for them are not known; they are: *The Loyal Subject*, *The Mad Lover*, *The Wild Goose Chase*, *All's Lost by Lust*, *The Maid in the Mill*, *A Wife for a Month*, and *The Bondman*. Some of these may, of course, be duplicates of performances seen by Pepys and listed here.

¹⁵ Feb. 26, 1660/1: "No more plays at Court after this night, and but three days the week at the play houses." Edward Gower to Sir R. Leveson, HMC, 5th Report, Part 1 (London, 1876), p. 202.

¹⁶ Pepys on this day went to "the Theatre, where I found so few people (which is strange, and the reason I did not know) that I went out again, and so to Salisbury Court, where the house as full as could be" (I, 330).

¹⁷ This is an alternate title for *The Queen's Mask*.

- Th March 28. King's. Rollo. Pepys, I, 341.
M April 1. Duke's. Rule a Wife and Have a Wife. Pepys, II, 1.
T April 2. Duke's. The Little Thief. Pepys, II, 2.
S April 6. Duke's. Love's Quarrel. Pepys, II, 3.
S April 20. At Court (King's). The Humorous Lieutenant. Pepys, II, 15.
S April 27. King's. The Chances. Pepys, II, 25.
Th May 16. King's. The Maid's Tragedy. Pepys, II, 33.
S May 25. King's. The Silent Woman.¹⁸ Pepys, II, 39.
T May 28. Red Bull. The Poor Man's Comfort. Nicoll, p. 278.
T June 4. King's. Harry the 4th. Pepys, II, 46.
S June 8. King's. Bartholomew Fair. Pepys, II, 47.
S June 22. King's. The Alchymist. Pepys, II, 54.
Th June 27. [King's].¹⁹ Bartholomew Fair. Pepys, II, 56.
T July 2. Duke's. The Siege of Rhodes, II, 4th day.²⁰ Pepys, II, 58-9.
Th July 4. King's. Claricilla. Pepys, II, 59.
[Duke's. The Siege of Rhodes.²¹ Pepys, II, 59].
T July 23. King's. Brenoralt. Pepys, II, 64.
Th July 25. King's. The Jovial Crew. Pepys, II, 66.
W July 31. King's. The Tamer Tamed. Pepys, II, 69.
S Aug. 10. King's. The Merry Devil of Edmonton. Pepys, II, 74.
W Aug. 14. King's. The Alchymist. Pepys, II, 76.
Th Aug. 15.²² Duke's. The Wits, 1st time.²³ Pepys, II, 77.

¹⁸ Sprague, p. 17n, states that Pepys saw *The Bondman* on May 25, but Pepys records that he saw *The Silent Woman* and then on his way home bought a copy of *The Bondman*.

¹⁹ Pepys does not name a theater.

²⁰ Summers, BRD, p. 50, believes that Part I of *The Siege of Rhodes* was acted on June 28, Part II on S 29, Part I on M July 1, and thus alternately for a fortnight. Nethercot, p. 371, surmises that the first three performances were Part I only. Downes, p. 21, states that it was acted twelve days without interruption, and Nicoll, p. 283, is of the opinion that it was probably on F June 28 that D'Avenant opened his new playhouse.

²¹ Pepys implies that *The Siege of Rhodes* was again offered at the Duke's Theater on this day.

²² On F Aug. 16 Sixtus Petri Arnoldinus, a Dutchman visiting in London, saw at the King's Playhouse "a delightful 'Courting Comedy' (vryage-Comedie)". See N. Zwager, "A Dutch Visitor to England in 1661," *Tijdschrift voor Taal en Letteren*, XXVII (1939), 286. On M Aug. 22 Arnoldinus went to bear-baiting and bull-baiting at "the playhouse standing in St. John's Street" and also to *Bartholomew Fair* (p. 288).

²³ On this day Pepys states, "Thence to the Opera, which begins again to-day," as if to suggest that it had been closed a while. Downes, p. 21, states that *The Wits* ran eight days successively; if so, it probably was played on Th 15, F 16, S 17, M 19, T 20, W 21, Th 22, F 23, the run being followed by the performance of *Hamlet* which Pepys saw on S 24.

(1661, continued)

S Aug. 17. Duke's. The Wits. Pepys, II, 78.

F Aug. 23. Duke's. The Wits. Pepys, II, 81.

S Aug. 24. Duke's. Hamlet, Prince of Denmark. Pepys, II, 82.

M Aug. 26. King's. Antipodes. Pepys, II, 83.

T Aug. 27. King's. The Jovial Crew. Pepys, II, 84.

F Aug. 30. Cockpit (Drury Lane). "the French comedy."²⁴ Pepys, II, 85-6.

F Sep. 6. King's. The Elder Brother. Pepys, II, 92.

S Sep. 7. King's. Bartholomew Fair. Pepys, II, 92-3.

M Sep. 9. Salisbury Court.²⁵ 'Tis a Pity She's a Whore. Pepys, II, 93-4.

W Sep. 11. Duke's. Twelfth Night. Pepys, II, 95.

W Sep. 25. King's. The Merry Wives of Windsor. Pepys, II, 102.

Th Sep. 26. King's. A King and No King. Pepys, II, 102.

S Sep. 28. King's. Father's Own Son. Pepys, II, 103.

W Oct. 2. King's. Vittoria Corombona. Pepys, II, 107.

F Oct. 4. King's. Vittoria. Pepys, II, 109.

T Oct. 8. King's. The Beggars' Bush. Pepys, II, 111.

W Oct. 9. King's. The Chances. Pepys, II, 111.

Th Oct. 10. King's. The Traitor. Pepys, II, 112.

M Oct. 21. Duke's. Love and Honour, 1st. Pepys, II, 116.

W Oct. 23. Duke's. Love and Honour, 2d. Pepys, II, 117.

F Oct. 25. Duke's. Love and Honour, 3d. Pepys, II, 117-8.

S Oct. 26. King's. ?Country Captain? Pepys, II, 118; or ?Love's Mistress? Herbert, p. 118.²⁶

M Oct. 28. King's. Argalus and Parthenia. Pepys, II, 119.

F Nov. 1. King's. The Jovial Crew. Pepys, II, 121.

[Middle Temple. ?Love and Honour. Nethercot]²⁷

M Nov. 4. Duke's. The Bondman. Pepys, II, 122-3.

M Nov. 11. [Duke's].²⁸ Love and Honour. Evelyn, I, 378.

²⁴ See W. J. Lawrence, "Early French Players in England," *The Elizabethan Playhouse and Other Studies* (Stratford, 1912), p. 139.

²⁵ Nicoll, p. 279, believes that it was Jolly's company acting at Salisbury Court; Spencer, pp. 66, 105 n5, doubts Nicoll's hypothesis and argues that the Duke's Company had temporarily returned to Salisbury Court.

²⁶ The two sources disagree for this performance. Because Herbert's item is out of place chronologically on his list, it is more likely the one in error.

²⁷ Nethercot, p. 376, suggests that *Love and Honour* may have been the play offered at the All Hallows Revels. The payment is dated November 5 for an unnamed play; such performances usually were given on November 1.

²⁸ Evelyn does not name a theater; it would presumably be either the Duke's Theater or the Duke's Company acting at Court.

T Nov. 12. [King's].²⁹ Bartholomew Fair. Pepys, II, 127.

W Nov. 13. King's. Father's Own Son. Pepys, II, 128.

F Nov. 15. Duke's. The Siege of Rhodes, II. Pepys, II, 129.

M Nov. 18. King's. Philaster. Pepys, II, 130.

M Nov. 25. Duke's. The Bondman. Pepys, II, 134.

King's. The Country Captain. Pepys, II, 134.

T Nov. 26. ?³⁰ Hamlet, Prince of Denmark. Evelyn, I, 380.

W Nov. 27. ?³¹ Hamlet. Pepys, II, 135.

F Nov. 29. King's. Love at First Sight. Pepys, II, 137.

M Dec. 2. Duke's. The Mad Lover. Pepys, II, 138.

Th Dec. 5. Duke's. Hamlet. Pepys, II, 140.

[? T Dec. 10. King's. The Dancing Master. Herbert, p. 117.]³²

W Dec. 11. King's. Vittoria Corombona. Herbert, p. 117.

F Dec. 13. King's. The Country Captain. Herbert, p. 117.

M Dec. 16. Duke's. The Cutter of Coleman Street.³³ Pepys, II, 146.

King's. The Alchymist. Herbert, p. 117.

At Court. "a French Comedy." Evelyn, I, 380.

W Dec. 18.³⁴ King's. Bartholomew Fair. Herbert, p. 117.

F Dec. 20. King's. The Spanish Curate. Herbert, p. 118.

M Dec. 23. King's. The Tamer Tamed. Herbert, p. 118.

S Dec. 28. King's. Aglaura. Herbert, p. 118.

M Dec. 30. King's. Bussy D'Ambois. Pepys, II, 151; Herbert, p. 118.

1662³⁵

W Jan. 1. King's. The Spanish Curate. Pepys, II, 152-3.

M Jan. 6. King's. The Merry Devil of Edmonton. Herbert, p. 118.

²⁹ Pepys does not name a theater.

³⁰ Evelyn does not name a theater.

³¹ Pepys refers to "the Theater," his usual term for the King's Theater. Spencer, p. 68, gives the impression that he considers this one of the sequence of performances of *Hamlet* given by D'Avenant's company at the Duke's. Because Pepys' other viewings of *Hamlet* at this time were at the Duke's, it is possible that Pepys simply named the wrong playhouse in his Diary.

³² Adams' reading of Herbert has this play precede December 11 with no date assigned; Malone's reading of Herbert lists it as December 10; see *The Plays and Poems of William Shakespeare*, ed. Edmund Malone (London, 1821), III, 275.

³³ Downes, p. 25, states that this play was acted "a whole Week."

³⁴ Malone's reading of Herbert's lists makes the date the 17th.

³⁵ During ?1662 Sir Edward Browne saw a large number of plays in London and elsewhere. He did not attach the date of witnessing each play, but the list is of interest because it concerns actual performances. From the list published by W. W. G[reg] in the *Gentleman's Magazine*, July, 1906, pp. 69-72, I have extracted the plays he saw in London:

"At the New Theatre in Lincolnes Inn fields". *The Beggars' Bush*, *The Alchymist*, *The Renegado*, *The Jovial Crew*, *The Widow*, *The Humorous Lieutenant*, *Love in a Maze*, *Bartholomew Fair*, *The Surprizal*, *The Maid's Tragedy*,

(1662, continued)

Th Jan. 9. [?Duke's].³⁶ The Siege of Rhodes, III. Evelyn, I, 381.

F Jan. 10. King's. The Virgin Martyr. Herbert, p. 118.

S Jan. 11. King's. Philaster. Herbert, p. 118.

Th Jan. 16. At Court (King's). The Widow. Evelyn, I, 383.

M Jan. 20. ? Andromeda. Seaton, p. 333.

T Jan. 21. King's. The Jovial Crew. Herbert, p. 118.

W Jan. 22. Red Bull. The New Made Nobleman.³⁷ Seaton, pp. 333-5.

S Jan. 25. ? A New Way to Pay Old Debts. Seaton, pp. 333, 335.

T Jan. 28. King's. Rule a Wife and Have a Wife. Herbert, p. 118.

W Jan. 29. Duke's. The Maid in the Mill. Seaton, pp. 333, 335.

W Feb. 5. King's. Rule a Wife and Have a Wife. Pepys, II, 173.

Th Feb. 6.³⁸ ? Love's Cruelty. Seaton, pp. 333, 335.

M Feb. 10. Duke's. The Law against Lovers. Summers, BRD, p. 52.³⁹

T Feb. 11.⁴⁰ ? Rule a Wife and Have a Wife. Seaton, pp. 333, 335.

Th Feb. 13. King's. The Alchymist. Seaton, pp. 333, 335.

S Feb. 15. Duke's. The Law against Lovers. Seaton, pp. 334-6.

King's. A King and No King. Herbert, p. 118.

T Feb. 18. Duke's. The Law against Lovers. Pepys, II, 179-80.

T Feb. 25. King's. The Maid's Tragedy. Herbert, p. 118.

Th Feb. 27. King's. Aglaura, The Tragical Way. Herbert, p. 118.

S March 1. Duke's. Romeo and Juliet. Pepys, II, 185.

King's. The Humorous Lieutenant. Herbert, p. 118.

M March 3. King's. Selindra, 1st time. Herbert, p. 118.

T March 11. King's. The French Dancing Master. Herbert, p. 118.

S March 15. King's. The Little Thief. Herbert, p. 118.

Cornelia, The Virgin Martyr, The Fox, The Committee, and The Imposture.

"At the Cock Pit in Drewry Lane": *The Silent Woman, The Elder Brother, Bussy D'Ambois, The Chances, The Moor of Venice, The Tamer Tamed, Wit Without Money, The Opportunity, Dr. Faustus.* All but the last of these are labeled "K.P." [King's Players?]; the last, "Queene (?) Players."

"At Salisbury or Dorset Garden": *The Maid in the Mill, The Spanish Curate, and The Bondman.*

"At Sr Wil Davenants theatre in Lincolnes Inn fields": *The Siege of Rhodes, II, The Grateful Servant, The Villain, Hamlet, The Slighted Maid, The Law against Lovers, The Stepmother, and The Playhouse to Be Lct.*

"At the King Playhouse in Covent Garden": *Rollo, The Surprizal, and The Loyal Subject.*

At the "Red Bull": *The Merry Milkmaids and A Mad World My Masters.*

³⁶ Evelyn does not name a theater.

³⁷ See Seaton, pp. 334-45, for speculation as to what play this may be.

³⁸ Evelyn saw a play at Court on this day but did not name it.

³⁹ Summers, PP, p. 152, also gives this date for *The Law against Lovers* but does not state his evidence.

⁴⁰ Evelyn saw "a comedy" at Court on this date.

- S March 22. ? Love Lies a Bleeding. Seaton, pp. 334, 336.
 T March 25.⁴¹ ? The Fair Maid of the West. Seaton, pp. 334, 336.
 M March 31. [?King's].⁴² The Little Thief. Pepys, II, 200.
 T April 1. Duke's. The Maid in the Mill. Pepys, II, 200.
 W April 2. Duke's. The Bondman. Pepys, II, 201.
 F April 4. King's. The Northern Lass. Herbert, p. 118.
 S April 19. King's. Father's Own Son. Herbert, p. 118.
 W April 23.⁴³ King's. The Surprizal, 1st time. Herbert, p. 118.
 M May 5. King's. The Knight of the Burning Pestle. Herbert, p. 118.
 W May 7. King's. The Knight of the Burning Pestle. Pepys, II, 217-8.
 M May 12. King's Brenoralt. Herbert, p. 118.
 S May 17. King's. Love in a Maze. Herbert, p. 118.
 M May 19. King's. The Little Thief. Pepys, II, 223-4.
 T May 20. Duke's. The Siege of Rhodes, II. Pepys, II, 224.
 W May 21. King's. The French Dancing Master. Pepys, II, 225.
 Th May 22. King's. Love in a Maze. Pepys, II, 226.
 F May 23. Duke's. Wit in a Constable. Pepys, II, 227.
 M May 26. Red Bull. Doctor Faustus. Pepys, II, 229-30.
 [?Su June 1. King's. Cornelia. Herbert, p. 118.]⁴⁴
 [?F June 6. King's. The Renegado. Herbert, p. 118.]
 [?Su July 6. King's. The Brothers.⁴⁵ Herbert, p. 118.]
 [?W July 23. King's. The Cardinal. Herbert, p. 118.]
 M Sep. 29.⁴⁶ King's. A Midsummer Night's Dream. Pepys, II, 326.
 T Sep. 30. Duke's. The Duchess of Malfi. Pepys, II, 327.

⁴¹ This date falls during Passion Week, when the theaters ordinarily were closed. On the previous day, M 24, Pepys states: "I went to see if any play was acted, and I found none upon the post, it being Passion week" (II, 196). Miss Seaton recognizes that this fact raises an objection to this performance, but she believes that the entries in the journals she quotes seem correctly dated. It is possible that this performance occurred at a non-patent theater (the Red Bull, perhaps) which did not strictly observe the closures customary at the Duke's and King's.

⁴² Pepys names no theater.

⁴³ On M 28 the foreigners whose visits to the theaters Miss Seaton records saw a performance of vaudeville at the Red Bull (Seaton, pp. 334, 336).

⁴⁴ No one, I believe, has previously raised any question concerning the block of four performances for June 1 and 6 and July 6 and 23. Of the four, two occur on Sundays for the dates given by Herbert. If one attempts to put these performances back to 1661, there is a conflict for July 23; in 1663 none of the four would fall on non-acting days, but there seems no way of ascertaining for certain whether they should be placed in 1663.

⁴⁵ Between July 6 and 23 Herbert gives, without a date, *Antipodes*.

⁴⁶ Pepys, II, 323, refers to a performance of *Aglaure* in mid-September but does not specify the day, and on M Sep. 22 the Duke's Company acted an unnamed play at Court (Boswell, p. 280).

(1662, continued)

Th Oct. 2. At Court (King's). The Cardinal. Pepys, II, 329.

Th Oct. 16. At Court (?King's). Volpone. Evelyn, I, 392.

S Oct. 18. Duke's. The Villain, 1st.⁴⁷ Pepys, II, 345.

M Oct. 20. Duke's. The Villain, 2nd. Pepys, II, 346.

T Oct. 21. Cockpit. Friar Bacon and Friar Bungay. Seaton, pp. 334, 336.

M Oct. 27. At Court (Duke's). The Villain. Pepys, II, 353.

S Nov. 1. At Court (?Duke's).⁴⁸ Ignoramus. Nicoll, p. 316.

M Nov. 17. At Court (King's). The Scornful Lady. Pepys, II, 371.

Th Nov. 20. "Acted before the King" (?King's). The Young Admiral. Evelyn, I, 393.

Th Nov. 27. "at Night."⁴⁹ The Committee. Evelyn, I, 393.

M Dec. 1. At Court (Duke's). The Valiant Cid. Pepys, II, 381.

[M Dec. 15. At Court (Duke's). The Adventures of Five Hours. Boswell, p. 280.]⁵⁰

W Dec. 17. "acted before the King" (Duke's). The Law against Lovers. Evelyn, I, 394.

T Dec. 23.⁵¹ ? A rehearsal of The Adventures of Five Hours. Evelyn I, 394.

F Dec. 26. Duke's. The Villain. Pepys, II, 399.

S Dec. 27. Duke's. The Siege of Rhodes, II. Pepys, II, 400.

1663

Th Jan. 1. Duke's. The Villain. Pepys, III, 2.

M Jan. 5. At Court (King's). Claricilla. Pepys, III, 4-5.

T Jan. 6. Duke's. Twelfth Night. Pepys, III, 6.

Th Jan. 8. Duke's. The Adventures of Five Hours.⁵² Pepys, III, 7-8; Evelyn, I, 395.

⁴⁷ Downes, p. 23, states that *The Villain* was acted ten days.

⁴⁸ Hotson, pp. 214-15, argues for the Duke's Company.

⁴⁹ Because plays in the theaters were normally acted in the afternoon and Court performances were usually given at night, this play may have been presented at Court; Miss Boswell, however, does not place it in her list of plays acted at Court.

⁵⁰ Miss Boswell lists as the source for this performance (possibly a rehearsal of the comedy on the day intended for the first performance) the edition by A. E. H. Swaen, pp. xviii-xix. See also Nicoll, p. 38 n, and Summers RT, p. 6.

⁵¹ Nethercot, p. 379, states that *The Adventures of Five Hours* was apparently acted at the Temple during the Christmas revels of 1662; just which day this would be is not certain.

⁵² Downes, p. 23, states that this comedy was acted "Successively 13 Days together, no other Play Intervening." It was probably given, then, on F 9, S 10, M 12, T 13, W 14, Th 15, F 16, S 17, M 19, T 20, W 21, Th 22. Evelyn states that "it was acted for some weeks every day."

- S Jan. 17. Duke's. *The Adventures of Five Hours*. Pepys, III, 15.
 [?M Feb. 2. Inner Temple (Duke's). *The Adventures of Five Hours*.
 W. J. Lawrence, *RES*, IX (1933), 221.]
 Th Feb. 5. At Court (King's). *The Wild Gallant*. Evelyn, I, 396.
 M Feb. 23. Duke's. *The Slighted Maid*. Pepys, III, 47-8.
 At Court (King's). *The Wild Gallant*. Pepys, III, 47-8.
 M March 9. ? *Hamlet*. Seaton, pp. 334, 336.
 [c. F March 20. King's. *The Cheats*. Summers, BRD, p. 128.]⁵³
 W April 22.⁵⁴ King's. *Wit without Money*. Pepys, III, 90.
 Th May 7. King's.⁵⁵ *The Humorous Lieutenant*.⁵⁶ Pepys, III, 107.
 F May 8. King's. *The Humorous Lieutenant*. Pepys, III, 108.
 Th May 28. Duke's. *Hamlet*. Pepys, III, 139.
 F May 29. Duke's. *The Slighted Maid*. Pepys, III, 139-40.
 W June 10. King's. *Love in a Maze*. Pepys, III, 154.
 F June 12. King's. *The Committee*. Pepys, III, 155.
 S June 13.⁵⁷ King's. *The Faithful Shepherdess*. Pepys, III, 156-7.
 Th July 30.⁵⁸ ? *The English Monsieur*. Seaton, p. 337.
 M Nov. 2. Inner Temple (King's). *The Brothers*. Nicoll, p. 384.
 [T Nov. 3. King's. *Flora's Figaries*. Herbert, p. 138.]⁵⁹
 [Th Dec. 10. At Court. *The Stepmother*. W. J. Lawrence, *MLR*,
 XXVIII (1933), 103.]
 T Dec. 22.⁶⁰ Duke's. *Henry VIII*.⁶¹ Pepys, III, 363.

1664

- F Jan. 1. Duke's. *Henry VIII*. Pepys, IV, 2.
 S Jan. 2. King's. *The Usurper*. Pepys, IV, 3.

⁵³ Harbage, p. 128, lists this for March 20; Summers, BRD, p. 128, as c. March 20; Summers, PP, p. 272, as probably March 16 or 17. The play was released by the Lord Chamberlain's office on March 6, 1662/3, as ready for performance; on March 22 it was suppressed by order of Charles II (White, p. 26). It should be noted that March 20 would be a Friday in Lent.

⁵⁴ The famous spurious playbill for Th April 8 advertising *The Humorous Lieutenant* is reproduced in Summers, RT, p. 15.

⁵⁵ This date marks the opening of the new theater in Drury Lane. Although Downes, p. 3, states that the theater opened on April 8, his statement has long been discredited by Pepys' very clear remarks on this point.

⁵⁶ Downes, p. 3, states that the play was acted twelve days successively.

⁵⁷ On Th July 2 Evelyn, I, 396, saw "the great Masque" at Court.

⁵⁸ Presumably in early October 1663 *Pompey*, translated by Waller, Sedley, Buckhurst, etc., was acted. See Brice Harris, *Charles Sackville* (Urbana: University of Illinois Press, 1940) p. 30.

⁵⁹ Herbert, p. 138, lists for T Nov. 3 *Flora's Figaries*, but it is not clear whether it is the date of licensing or the date of performance.

⁶⁰ On Th Dec 10 Pepys states that *Henry VIII* was soon to be acted; it was given certainly on December 22, possibly before then.

⁶¹ Downes, p. 24, states that *Henry VIII* was acted fifteen days.

(1664, continued)

- M Jan. 25. King's. The Indian Queen. Nicoll, p. 316.
 W Jan. 27. King's. The Indian Queen. Pepys, IV, 23.
 M Feb. 1. King's. The Indian Queen. Pepys, IV, 27-8.
 T Feb. 2. Inner Temple (King's). Epicoene. Nicoll, p. 384.
 F Feb. 5. King's. The Indian Queen. Evelyn, I, 400.
 M March 7.⁶² Duke's. The Unfortunate Lovers. Pepys, IV, 63.
 T March 8. [Duke's].⁶³ Heraclius. Pepys, IV, 64-5.
 F April 15. Duke's. The German Princess. Pepys, IV, 103-4.
 W April 27. ? Love in a Tub. Evelyn, I, 401.
 M May 2. King's. The Labyrinth. Pepys, IV, 116.
 W June 1. King's. The Silent Woman. Pepys, IV, 138.
 [Th July 14. At Court. ?Pompey. W. J. Lawrence, *MLR*, XXVIII (1933), 103.]
 W July 20. Duke's. Worse and Worse. Pepys, IV, 180.
 Th July 28. Duke's. The Bondman. Pepys, IV, 188.
 T Aug. 2. King's. Bartholomew Fair. Pepys, IV, 193.
 [?W Aug. 3. King's. The Alchymist. Pepys, IV, 195]⁶⁴
 Th Aug. 4. King's. The Rival Ladies. Pepys, IV, 194-5.
 M. Aug. 8. King's. Flora's Figaries. Pepys, IV, 197-8.
 Th Aug. 11. Duke's. Henry the Fifth. Summers, BRD, p. 29.⁶⁵
 S Aug. 13. Duke's. Henry the Fifth. Pepys, IV, 202.
 Th Aug. 18. ? The Court Secret. Pepys, IV, 206.
 S Sep. 10. Duke's. The Rivals. Pepys, IV, 224.
 W Sep. 14. ?At Court (King's). The General. Boswell, p. 281.⁶⁶
 W Sep. 28. [King's].⁶⁷ The General. Pepys, IV, 236.
 T Oct. 4. [King's]. The General. Pepys, IV, 241-2.
 [W Oct. 5.⁶⁸ King's. The Parson's Dream [Wedding]. Pepys, IV, 242.]

⁶² Pepys, March 7, refers to the existence of "a new play at the other [King's] house," but does not name it (IV, 63).

⁶³ Pepys names no theater; Harbage, p. 128, assigns it to the Duke's Company.

⁶⁴ There is some uncertainty about the date of this performance. See Pepys, IV, 195 n, and R. G. Noyes, *Ben Jonson on the English Stage, 1660-1776* (Cambridge, Mass., 1935), pp. 107-08.

⁶⁵ Summers does not give his source for this performance; in RT, p. 158, he refers to Henry V as "produced at Lincoln's Inn Fields in August, 1664, and which was noticed as a new play by Pepys on Saturday, the 13th of that month."

⁶⁶ See also W. S. Clark, "The Earl of Orrery's Play *The General*," *RES*, II (1926), 459-60.

⁶⁷ On Sep. 28 and Oct. 4 Pepys fails to name the theater.

⁶⁸ On Oct. 4 Pepys states that *The Parson's Wedding* was announced for "Tomorrow. . . or the day after"

- [?T Oct. 11. King's. The Parson's Wedding. Pepys, IV, 247.]⁶⁹
 T Nov. 1. Inner Temple (King's). The Night Walker. Nicoll, p. 384.
 S Nov. 5. Duke's. Macbeth. Pepys, IV, 264.
 F Dec 2. Duke's. The Rivals. Pepys, IV, 278.

1665

- W Jan. 4. Duke's. Love in a Tub. Pepys, IV, 304.
 F Jan. 13. King's. The Traitor. Pepys, IV, 309.
 S Jan. 14. King's. Volpone. Pepys, IV, 309.
 Th Feb. 2.⁷⁰ Inner Temple (King's). The Changes. Nicoll, p. 384.
 M April 3. Duke's. Mustapha. Pepys, IV, 362.
 Th April 6. Duke's. Mustapha. Evelyn, I, 414.
 M April 17. Duke's. The Ghosts. Pepys, IV, 370.
 Th May 4. ? The Widow. Summers, PP, p. 195.⁷¹
 M May 15.⁷² King's. Love's Mistress. Pepys, IV, 386.

1666

- Th Oct. 11.⁷³ At Court (King's). Wit without Money.⁷⁴ Boswell, p. 282.
 Th Oct. 18. At Court (Duke's). Mustapha. Evelyn, II, 19-20.
 M Oct. 29.⁷⁵ At Court (Duke's). Love in a Tub. Pepys, VI, 40-1; Nicoll, p. 308.

⁶⁹ It is not clear from Pepys' remarks whether he means that *The Parson's Wedding* was acted on this day or merely that it had been acted very recently: "Luellin . . . tells me what a bawdy loose play this 'Parson's Wedding' is, that is acted by nothing but women at the King's house" (IV, 247).

⁷⁰ On this day Evelyn (I, 412) saw "a Masque" at Court.

⁷¹ The source for this performance is a letter from Henry Savile, 4 May 1665, to Sir George Savile: "I am newly come from my Lord of Orrery's new play called *The Widow*" (Camden Society Publications, 1858, p. 4).

⁷² The theaters were closed after June 5, 1665, because of the plague (Spencer, p. 85), and were reopened in the late autumn of 1666. Downes, p. 26, states that the last play acted before the closing was *Mustapha*, but he may mean that it was the last new play given before the theaters were shut.

⁷³ On S. Sept. 1 Pepys wrote: "Sir W. Pen and my wife and Mercer and I to 'Polichinelly'" (V, 392).

⁷⁴ Pepys, M Oct. 15: "But she [Lady Carteret] cries out of the vices of the Court, and how they are going to set up plays already, and how the next day after the late great fast, the Duchess of York did give the King and Queene a play" (VI, 21). The regular monthly fast was W Oct. 3 (see *A Fast Sermon Preached to the Lords. . . on the Day of Solemn Humiliation for the Continuing Pestilence*, October 3, 1666, by George Lord Bishop of Chester, in Walter George Bell, *The Great Plague in London in 1665* [London, John Lane], p. 326). Boswell, p. 282, seems, however, to believe that Pepys was referring to a performance at Court on October 11.

⁷⁵ Pepys, S Oct. 27: "The playhouse begin to play next week" (VI, 37), but on T Nov. 20 there was a "thanksgiving-day for the cessation of the plague; but, Lord! how the towne do say that it is hastened before the plague is quite over, . . .

(1666, continued)

- [?M Nov. 5. At Court (Duke's). *Mustapha*. Boswell, p. 282]⁷⁶
 M Nov. 26. At Court (Duke's). *Worse and Worse*. Nicoll, p. 308.
 M Dec. 3. At Court (Duke's). *The Adventures of Five Hours*. Nicoll, p. 308.
 F Dec. 7.⁷⁷ King's. *The Maid's Tragedy*. Pepys, VI, 87-8.
 S Dec. 8. King's. *The English Monsieur*. Pepys, VI, 89.
 M Dec. 10. At Court (King's). *The Silent Woman or The Scornful Lady*.⁷⁸ Nicoll, p. 305.
 M Dec. 17. At Court (Duke's). *Macbeth*. Nicoll, p. 308.
 Th Dec. 20. King's. *The Humorous Lieutenant*. Nicoll, p. 305.
 Th Dec. 27.⁷⁹ King's. *The Scornful Lady*. Pepys, VI, 109.
 F Dec. 28. Duke's. *Macbeth*. Pepys, VI, 110.
 At Court (Duke's). *Henry the Fifth*. Pepys, VI, 110;
 Nicoll, p. 308.

1667

- T Jan. 1. At Court (Duke's). *The Villain*. Nicoll, p. 308.
 W Jan. 2. King's. *The Custom of the Country*, 2d day. Pepys, VI, 114-5.
 S Jan. 5. Duke's. *Mustapha*. Pepys, VI, 116-7.
 M Jan. 7. Duke's. *Macbeth*. Pepys, VI, 118.
 T Jan. 15. [King's]. *The Indian Emperor*. Pepys, VI, 124.
 T Jan. 22. King's. *The Indian Emperor*. Nicoll, p. 305.
 W Jan. 23. King's. *The Humorous Lieutenant*. Pepys, VI, 136-7.
 Th Jan. 24. King's. *The Goblins*. Pepys, VI, 138.
 M Feb. 4. Duke's. *Heraclius*. Pepys, VI, 152-3.
 T Feb. 5. King's. *The Chances*. Pepys, VI, 154.
 Th Feb. 14. At Court (King's). *Flora's Vagaries or Rule a Wife and Have a Wife*.⁸⁰ Nicoll, p. 305.

but only to get ground for plays to be publicly acted" (VI, 66). Summers, PP, p. 89, referring to *State Papers Domestic*, Charles II, CLXXVII, 6, states that on Nov. 29 the theaters were permitted to act on condition that a large share of the receipts be given to charity.

⁷⁶ Between Oct. 29 and Nov. 26 *Mustapha* appears on the lists of plays acted before the King (Nicoll, p. 308); Miss Boswell thinks that it may have been played on Nov. 5. Earlier Nicoll (*TLS*, Sep. 14, 1922, p. 584) had thought it the performance seen by Evelyn on Oct. 18.

⁷⁷ Pepys on this day states that the playhouses have acted "now about fourteen days publicly" (VI, 88).

⁷⁸ The two lists of plays offer different ones for this date.

⁷⁹ Pepys' wife saw a play at the Duke's on W Dec. 26, but Pepys evidently could not remember what one it was (VI, 108-9).

⁸⁰ The two parallel lists offer different plays for this date.

M Feb. 18.⁸¹ King's. *The Maid's Tragedy*. Pepys, VI, 176.

S March 2. King's. *The Maiden Queen*. Pepys, VI, 192-3; Nicoll, p. 305.

[?Su March 3. Duke's. *The English Princes*. Nicoll, p. 308.]⁸²

T March 5. King's. *The Maiden Queen*. Nicoll, p. 305.

Th March 7. Duke's. *The English Princess, or Richard the Third*. Pepys, VI, 200-1.

Th March 14. King's. *The Virgin [Maiden] Queen*. Evelyn, II, 24.

W March 20. Duke's. *The Wedding Night*.⁸³ Pepys, VI, 219.

Th March 21. Duke's. *The Wedding Night*. Pepys, VI, 219.

M March 25. King's. *The Maiden Queen*. Pepys, VI, 225.

Th March 28. Duke's. *The Humorous Lovers*. Nicoll, p. 308.

S March 30. Duke's. *The Humorous Lovers*. Pepys, VI, 233.

M April 8. King's. *The Surprizal*. Pepys, VI, 249.

T April 9. Duke's. *Love in a Tub*. Nicoll, p. 308.

King's. *The Taming of a Shrew*. Pepys, VI, 249-50.

M April 15. King's. *The Change of Crowns*.⁸⁴ Pepys, VI, 257-8; Nicoll, p. 305.

T April 16. King's. *The Silent Woman*. Pepys, VI, 258-9.

W April 17. King's. *Rollo*. Pepys, VI, 260.

Th April 18. Duke's. *The Wits*. Pepys, VI, 260.

At Court (King's). *The Maiden Queen*. Nicoll, p. 305.

F April 19. Duke's. *Macbeth*. Pepys, VI, 261.

S April 20. Duke's. *The Wits*. Pepys, VI, 262.

S April 27. King's. *Bartholomew Fair*. Nicoll, p. 305.

W May 1. King's. *Love in a Maze*. Pepys, VI, 282.

Th May 2. At Court (Duke's). *The Wits*. Nicoll, p. 308.

M May 6. Duke's. *The Humorous Lovers*. Nicoll, p. 308.

Th May 9. At Court (Duke's). *The School of Compliments*. Nicoll, p. 308.

M May 13. King's. *The Committee*. Nicoll, p. 305.

⁸¹ On this day Evelyn (II, 23) saw at Court "a magnificent ball, or masque," and on Feb. 19 he saw at Court "a Comedy" (II, 23).

⁸² Because March 3 falls on Sunday, this performance seems unlikely. Possibly it is an error for March 7, when Pepys saw this same play; see Nicoll, *TLS*, Sep. 14, 1922, p. 584.

⁸³ Although this date is a Wednesday in Lent, Pepys points out that the young players of the company, who performed on this day, had special permission to act on a Wednesday in Lent.

⁸⁴ Lacy's difficulties with the King because of his acting in *The Change of Crowns* may be followed in Pepys, April 15, 16, 20, and May 1, and in a news-letter, April 22, in HMC, Fleming Mss. 12th Report, Pt. VII (London, 1890), p. 47.

(1667, continued)

[Th May 16. At Court (King's). Aglaura. Nicoll, p. 305.]⁸⁵

S May 18. King's. The Country Captain. Nicoll, p. 306.

T May 21. Duke's. The Siege of Rhodes. Pepys, VI, 309; Nicoll, p. 308.

W May 22. King's. The Goblins. Pepys, VI, 315.

F May 24.⁸⁶ King's. The Maiden Queen. Pepys, VI, 317.

Th Aug. 1. King's. The Custom of the Country. Pepys, VII, 51.

M Aug. 5. Duke's. Love's Tricks, or The School of Compliments. Pepys, VII, 54.

M Aug. 12. King's. Brenoralt. Pepys, VII, 62.

T Aug. 13. King's. The Committee. Pepys, VI, 62-3.

W Aug. 14. King's. The Country Captain. Pepys, VII, 63.

Th Aug. 15. King's. The Merry Wives of Windsor. Pepys, VII, 64.

Duke's. Sir Martin Marall, 1st. Pepys, VII, 64-5; Nicoll, p. 308.

F Aug. 16. Duke's. Sir Martin Marall, 2d. Pepys, VII, 64-5.

S Aug. 17.⁸⁷ King's. Queen Elizabeth's Troubles and the History of Eighty Eight. Pepys, VII, 65-6; Nicoll, p. 306.

M Aug. 19. Duke's. Sir Martin Marall, 3rd. Pepys, VII, 68.

T Aug. 20. Duke's. Sir Martin Marall, 4th.⁸⁸ Pepys, VII, 69.

W Aug. 21.⁸⁹ Duke's. Sir Martin Marall, 5th. Nicoll, p. 308.

Th Aug. 22. King's. The Indian Emperor. Pepys, VII, 71-2.

F Aug. 23. King's. The Maiden Queen. Pepys, VII, 74.

S Aug. 24. King's. The Cardinal. Pepys, VII, 75.

M Aug. 26. King's. The Surprizal. Pepys, VII, 77.

W Aug. 28. At Court (King's). The Fox.⁹⁰ Nicoll, p. 306.

W Sep. 4.⁹¹ Duke's. Mustapha. Pepys, VII, 93.

Th Sep. 5. Duke's. Heraclius. Pepys, VII, 93.

W Sep. 11. Duke's. The Ungrateful [Unfortunate] Lovers. Pepys, VII, 103.

⁸⁵ This play is on the second list only; Boswell, p. 283, states that the Lord Steward's list gives the date as May 17.

⁸⁶ The theaters were silenced for about a month or six weeks in June-July, 1667; see Pepys, July 22, 1667.

⁸⁷ The second list reads "7" for "17," but it seems probable that the date was the 17th, when Pepys saw the play.

⁸⁸ Pepys states that the play has been acted four times and that he has seen it three times.

⁸⁹ On this day Evelyn saw "the famous Italian puppet-play."

⁹⁰ The second list omits this performance.

⁹¹ On Aug. 30, 1667, Pepys saw "a puppet-play, 'Patient Grizill'" at Bartholomew Fair.

- Th Sep. 12. Duke's. *Tu Quoque*. Pepys, VII, 104.
S Sep. 14. King's. *The Northern Castle*. Pepys, VII, 106.
M Sep. 16. King's. *The Scornful Lady*. Pepys, VII, 108.
Duke's. *Tu Quoque*. Pepys, VII, 108.
F Sep. 20. King's. *The Mad Couple*. Pepys, VII, 111-12.
W Sep. 25. King's. *The Storm [Sea Voyage]*. Pepys, VII, 117.
Th Sep. 26. King's. *The Storm [Sea Voyage]*. Pepys, VII, 118.
[F Sep. 27.⁹² King's. *The Sea Voyage*. Nicoll, p. 306.]
S Sep. 28. Duke's. *Sir Martin Marall*. Pepys, VII, 121.
W Oct. 2. King's. *The Traitor*. Pepys, VII, 123.
F. Oct. 4. Duke's. *Sir Martin Marall*. Nicoll, p. 308.
S Oct. 5. Duke's. *The Coffee House*, 1st. Pepys, VII, 127.
King's. *Flora's Figaries*. Pepys, VII, 127.
M Oct. 7. King's. *The Poetess*. Nicoll, p. 306.
T Oct. 8. Duke's. *The Coffee House*. Nicoll, p. 308.
M Oct. 14. Duke's. *Sir Martin Marall*. Pepys, VII, 142.
T Oct. 15. Duke's. *The Coffee House*. Pepys, VII, 142; Nicoll, p. 308.
W Oct. 16. Duke's. *Macbeth*. Pepys, VII, 143.
F Oct. 18. King's. *Brenoralt*. Pepys, VII, 147.
S Oct. 19. King's. *The Black Prince*. Pepys, VII, 147; Nicoll, p. 306.
T Oct. 22. Duke's. *Mustapha*. Nicoll, p. 308.
W Oct. 23. King's. *The Black Prince*. Pepys, VII, 157.
Th Oct. 24. Duke's. *The Villain*. Pepys, VII, 158.
M Oct. 28. King's. *The Committee*. Pepys, VII, 166.
T Oct. 29. King's. *The English Monsieur*. Nicoll, p. 306.
F Nov. 1. King's. *The Taming of a Shrew*. Pepys, VII, 172.
S Nov. 2. King's. *Henry the Fourth [Part I]*. Pepys, VII, 172-3.
T Nov. 5. Duke's. *Sir Martin Marall*. Nicoll, p. 308.
W Nov. 6. Duke's. *Macbeth*. Pepys, VII, 176.
Th Nov. 7. Duke's. *The Tempest*. Pepys, VII, 176-7; Nicoll, p. 308.
M Nov. 11. King's. *The Indian Emperor*. Pepys, VII, 180; Nicoll, p. 306.
W Nov. 13. Duke's. *The Tempest*. Pepys, VII, 181-2.
Th Nov. 14. Duke's. *The Tempest*. Nicoll, p. 308.
S Nov. 16. King's. *Philaster*. Nicoll, p. 306.
T Nov. 19. Duke's. *The Rivals*. Nicoll, p. 309.
Th Nov. 21. King's. *The Goblins*. Nicoll, p. 306.

⁹² Nicoll states that the second list places the date as "25" instead of "27"; hence there may not have been a performance on the 27th, a supposition which is strengthened by the fact that the King was present on the 25th (Pepys).

(1667, continued)

S Nov. 23. King's. *The Maid's Tragedy*. Nicoll, p. 306.

T Nov. 26. Duke's. *The Tempest*. Nicoll, p. 309.

Th Nov. 28.⁹³ King's. *The Mistaken Beauty*. Pepys, VII, 203.

Th Dec. 12. Duke's. *The Tempest*. Pepys, VII, 222.

M Dec. 16. Duke's. *Tu Quoque*. Nicoll, p. 309.

Th Dec. 26. King's. *The Surprizal*. Pepys, VII, 233.

S Dec. 28. Duke's. *Love in a Tub*. Nicoll, p. 309.

King's. *The Mad Couple*. Pepys, VII, 236-7.

M Dec. 30. King's. *Love's Cruelty*. Pepys, VII, 239-40.

1668

W Jan. 1. Duke's. *Sir Martin Marall*. Pepys, VII, 244-5.

S Jan. 4. King's. *The Maiden Queen*. Nicoll, p. 306.

M Jan. 6. Duke's. *The Tempest*. Pepys, VII, 253.

T Jan. 7.⁹⁴ Duke's. *The School of Compliments*. Pepys, VII, 254-5.

King's. *Henry the Fourth*. Pepys, VII, 254-5.

W Jan. 8. Duke's. *Sir Martin Marall*. Nicoll, p. 309.

F Jan. 10. King's. *Aglaure*. Pepys, VII, 258.

S Jan. 11. King's. *The Wild Goose Chase*. Pepys, VII, 259.

M Jan. 13. At Court (amateurs). *The Indian Emperor*. Pepys, VII, 262-3.

M Jan. 20. King's. *The Indian Emperor*. Nicoll, p. 306.

F Jan. 24. King's. *The Maiden Queen*. Pepys, VII, 273.

M Jan. 27. At Court (King's). *The Maiden Queen*. Nicoll, p. 306.

Su Feb. 2.⁹⁵ Inner Temple (Duke's). *The Comical Revenge*. Nicoll, p. 384.

M Feb. 3. Duke's. *The Tempest*. Pepys, VII, 282.

At Court (Duke's). *Sir Martin Marall*. Nicoll, p. 309.

T Feb. 4.⁹⁶ At Court (amateurs). *Horace*. Evelyn, II, 35; Seaton, pp.

⁹³ Shortly after this performance the King's Theater must have closed temporarily, for on Dec. 7, 1667, Pepys states that the King's Theater had been silenced for some days and was, on that day, still closed.

⁹⁴ On this day Pepys went to the "Nursery, where I never was yet . . . but the house did not act to-day" (VII, 254-5).

⁹⁵ Although this performance falls on Sunday, there seems to be no indication that these revels performances at the Temples changed the customary dates—Feb. 2 and Nov. 1—when they fell on the usual non-acting days.

⁹⁶ In a review of Miss Boswell's book in *MLR*, XXVIII (1933), 103, W. J. Lawrence wonders whether this performance should not be Feb. 4, 1668/9, because there are known performances of *Horace* in January, 1668/9, but the fact that Miss Seaton records a performance of *Horace* for this date would seem to establish Evelyn's record as correct.

337-8.

Th Feb. 6. Duke's. *She Would if She Could*, 1st. Pepys, VII, 287; Nicoll, p. 309.

F Feb. 7. King's. *Love in a Maze*. Pepys, VII, 289.

T Feb. 11. Duke's. *Mustapha*. Pepys, VII, 294.

T Feb. 18. King's. *Flora's Vagaries*. Pepys, VII, 306.

Th Feb. 20. King's. *The Duke of Lerma*. Pepys, VII, 309; Nicoll, p. 306.

S Feb. 22. Duke's. *Albumazar*, 2d time. Pepys, VII, 312-3; Nicoll, p. 309.

M Feb. 24. Nursery. *Jeronimo is Mad Again*. Pepys, VII, 316-7.

T Feb. 25. Nursery. *The Faithful Shepherd*. Pepys, VII, 317-8.

Duke's. *She Would if She Could*. Nicoll, p. 309.

Th Feb. 27. King's. *The Virgin Martyr*. Pepys, VII, 319-20.

M March 2. King's. *The Virgin Martyr*. Pepys, VII, 324.

Th March 5. King's. *The Discontented Colonel*. Pepys, VII, 328.

S March 7. Duke's. *She Would if She Could*. Nicoll, p. 309.

King's. *The Spanish Gypsies*, 2d. Pepys, VII, 330-1.

S March 14. Duke's. *The Tempest*. Nicoll, p. 309.

[?F March 20.⁹⁷ King's. *The Virgin Martyr*. Nicoll, p. 306.]

W March 25. King's. *The Storm*. Pepys, VII, 352.

Th March 26. Duke's. *The Man's the Master*, 1st. Pepys, VII, 352-3; Nicoll, p. 309.

S March 28. King's. *The Indian Emperor*. Pepys, VII, 355-6.

W April 1. King's. *The Black Prince*. Pepys, VII, 360.

F April 3. Duke's. *The Master and the Man*. Pepys, VII, 363.

T April 7. King's. *The English Monsieur*. Pepys, VII, 369.

W April 8. King's. *The Unfortunate Lovers*. Pepys, VII, 370-1.

M April 13. Duke's. *The Tempest*. Nicoll, p. 309.

T April 14. King's. *Love's Cruelty*. Pepys, VII, 373.

W April 15. King's. *The Maid's Tragedy*. Pepys, VII, 374.

F April 17. King's. *The Surprizal*. Pepys, VII, 375.

S April 18. Duke's. *Sir Martin Marall*. Nicoll, p. 309.

King's *The Duke of Lerma*. Pepys, VII, 376.

M April 20. Duke's. *She Would if She Could*. Nicoll, p. 309.

T April 21. King's. *The Indian Emperor*. Pepys, VII, 378.

⁹⁷ Because this performance would fall in Passion Week and because the second list gives the date as "2", this performance is very likely a duplication of the one on March 2 which Pepys saw.

(1668, continued)

Th April 23. Duke's. *The Man's the Master*. Nicoll, p. 309.

F April 24. King's. *The Beggars' Bush*. Pepys, VII, 381-2.

S April 25. Duke's. *Sir Martin Marall*. Pepys, VII, 382.

M April 27. King's. *The Cardinal*. Pepys, VII, 384.

T April 28. King's. *Love in a Maze*. Pepys, VII, 384.

W April 29. Duke's. *Love in a Tub*. Pepys, VII, 385.

Th April 30. Duke's. *The Tempest*. Pepys, VII, 386.

F May 1. King's. *The Surprizal*. Pepys, VIII, 1.

S May 2. Duke's. *The Sullen Lovers, or The Impertinents*, 1st.⁹⁸ Pepys, VIII, 2; Nicoll, p. 309.

M May 4. Duke's. *The Impertinents [Sullen Lovers]*, 2d. Pepys, VIII, 4; Nicoll, p. 309.

T May 5. Duke's. *The Impertinents [Sullen Lovers]*, 3rd. Pepys, VIII, 4.

W May 6. King's. *The Virgin Martyr*. Pepys, VIII, 6.

Th May 7. Duke's. *The Man's the Master*. Pepys, VIII, 6.

S May 9. King's. *The Maid's Tragedy*. Pepys, VIII, 10.

M May 11. Duke's. *The Tempest*. Pepys, VIII, 12.

Th May 14. King's. *The Country Captain*. Pepys, VIII, 15.

F May 15. King's. *The Committee*. Pepys, VIII, 16.

S May 16. King's. *The Sea Voyage*. Pepys, VIII, 17.

M May 18. King's. *The Mulberry Garden*, 1st. Pepys, VIII, 18-19; Nicoll, p. 306.

W May 20. King's. *The Mulberry Garden*. Pepys, VIII, 22.

F May 22. Duke's. *Sir Martin Marall*. Pepys, VIII, 24.

F May 29. At Court (Duke's). *She Would if She Could*. Nicoll, p. 309.

S May 30. King's. *Philaster*. Pepys, VIII, 31-32.

W June 3. King's. *The Scornful Lady*. Pepys, VIII, 35.

F June 12.⁹⁹ King's. *An Evening's Love*. Nicoll, p. 306.

[Th June 18. King's. *An Evening's Love*. Pepys, VIII, 49.]¹⁰⁰

⁹⁸ As Nicoll, p. 26, has pointed out, there is a difficulty in accepting Downes' statement (p. 29) that *The Sullen Lovers* was acted twelve days together on its initial run, as Montague Summers interprets Downes' statements (Summers, Downes, p. 198). If May 2 was the first performance, Downes' statement seems unlikely, for Pepys saw *The Man's the Master* at the Duke's on May 7; there would be only four performances in a row for *The Sullen Lovers*.

⁹⁹ The second list reads Jan. 12, but this date would not only be a Sunday but would remove the performance from the series at the King's Theater in June.

¹⁰⁰ Pepys states, "So my wife not speaking a word, going or coming, nor willing to go to a play though a new one." Because Mrs. Pepys saw *An Evening's Love* at the King's the next day, Pepys calling it "the new play," it seems likely that *An Evening's Love* was acted on June 18 also.

- F June 19. King's. *An Evening's Love*. Pepys, VIII, 50-1; Evelyn, II, 37.
S June 20. King's. *An Evening's Love*. Pepys, VIII, 51.
M June 22. King's. *An Evening's Love*. Pepys, VIII, 52.
W June 24. Duke's. *The Impertinents*. Pepys, VIII, 53.
S June 27. King's. *The Indian Queen*. Pepys, VIII, 54.
M June 29. King's. *The Mulberry Garden*. Pepys, VIII, 55.
M July 6. Duke's. *Henry the Fifth*. Pepys, VIII, 58.
S July 11. King's. *Hyde Park*. Pepys, VIII, 60.
T July 14.¹⁰¹ King's. *Hyde Park*. Nicoll, p. 306.
T July 28. Duke's. *The Slighted Maid*. Pepys, VIII, 67.
W July 29. King's. *The Mad Couple*. Pepys, VIII, 68.
F July 31. King's. *Monsieur Ragou*, 1st. Pepys, VIII, 68; Nicoll, p. 306.
S Aug. 1. King's. *Monsieur Ragou*, 2d. Pepys, VIII, 69.
W Aug. 5. Duke's. *The Guardian*. Pepys, VIII, 70.
[?Su Aug. 9. Duke's. *The Guardian*. Nicoll, p. 309.]¹⁰²
W Aug. 12. Duke's. *Macbeth*. Pepys, VIII, 75.
S Aug. 15. King's. *Love's Mistress*. Pepys, VIII, 77.
M Aug. 17. Duke's. *Love Despised [Cupid's Revenge]*. Pepys, VIII, 78.
S Aug. 29. [Duke's]. *The Impertinents*.¹⁰³ Pepys, VIII, 87.
M Aug. 31. Duke's. *Hamlet*.¹⁰⁴ Pepys, VIII, 90.
F Sep. 4. [King's]. *Bartholomew Fair*. Pepys, VIII, 91-92.
Th Sep. 10. Duke's. *The Maid in the Mill*. Pepys, VIII, 95.
M Sep. 14. King's. *Demoiselles a la mode*, 1st. Nicoll, p. 306.
T Sep. 15. King's. *Ladies a la mode*, 2d.¹⁰⁵ Pepys, VIII, 98.
Th Sep. 17. King's. *Rollo, Duke of Normandy*. Pepys, VIII, 100.
F Sep. 18. King's. *Henry the Fourth*. Pepys, VIII, 101.

¹⁰¹ On F July 17 Pepys went to the King's Theater, but he apparently could not remember the name of the play, as he says, "to see a play revived called *The - - -*" (VIII, 64).

¹⁰² This is one of a few performances on Nicoll's lists whose dates fall on Sundays; the "9" may possibly be a mistake for another figure.

¹⁰³ Seeing very few people in the playhouse at four o'clock, Pepys thought the house might be dismissed because of the small attendance and went away to Bartholomew Fair, where he saw "a ridiculous, obscene little stage-play, 'Marry Andrew,' which he saw again on Sept. 7."

¹⁰⁴ After the play Pepys went to the Fair and saw "Polichinelle."

¹⁰⁵ Whether this play was again repeated on W Sep. 16 is uncertain. Seeing it on T Sep. 15, Pepys said it was "so mean a thing as, when they come to say it would be acted again to-morrow, both he that said it, Beeson, and the pit fell a-laughing, there being this day not a quarter of the pit full."

(1668, continued)

S Sep. 19. King's. The Silent Woman. Pepys, VIII, 101.

M Sep. 28. King's. The City Match. Pepys, VIII, 111; Nicoll, p. 306.

[M Oct. 12. King's. The Faithful Shepherdess.¹⁰⁶ Pepys, VIII, 114.]

W Oct. 14. King's. The Faithful Shepherdess. Pepys, VIII, 116.

At Court (Duke's). The Queen of Arragon.¹⁰⁷ Boswell,
p. 283.

M Oct. 19. Duke's. The Queen of Arragon. Pepys, VIII, 118.

F Nov. 6. King's. The Island Princess. Nicoll, p. 306.

M Nov. 9. At Court (King's). The Tamer Tamed.¹⁰⁸ Nicoll, p. 306.

S Nov. 21. At Court (King's). The Scornful Lady. Nicoll, p. 306.

T Nov. 25. Duke's. The Duchess of Malfi. Pepys, VIII, 155.

W Dec. 2. King's. The Usurper. Pepys, VIII, 160.

Th Dec. 3. King's. The Usurper King. Nicoll, p. 306.

Duke's. The Unfortunate Lovers. Pepys, VIII, 161.

M Dec. 7. At Court (King's). The Usurper King. Nicoll, p. 306.

T Dec. 8. Duke's. Tryphon [1st?]. Pepys, VIII, 166.

W Dec. 9. Duke's. Tryphon [2d?]. Pepys, VIII, 167.

F Dec. 18. King's. Catiline's Conspiracy, 1st. Nicoll, p. 306.

S Dec. 19. King's Catiline's Conspiracy, 2d. Pepys, VIII, 171-2;
Evelyn, II, 39.

M Dec. 21. Duke's. Macbeth. Pepys, VIII, 174.

S Dec. 26. Duke's. The Women Pleased. Pepys, VIII, 176-7.

W Dec. 30. Duke's. King Harry the Eighth. Pepys, VIII, 178.

1669

F. Jan. 1. King's. The Maiden Queen. Pepys, VIII, 180.

S Jan. 2. King's. Catiline's Conspiracy. Nicoll, p. 306.

Th Jan. 7. King's. The Island Princess. Pepys, VIII, 183; Nicoll, p.
306.

¹⁰⁶ On M Oct. 12 Pepys states that he went to the King's Theater "and there we did hear the Eunuch (who, it seems, is a Frenchman, but long bred in Italy) sing"; on W Oct. 14 he records: "to the King's playhouse, and there saw 'The Faithful Shepherdess, again, that we might hear the French Eunuch sing.'" Pepys' use of "again" makes it seem likely that it was *The Faithful Shepherdess* which he saw on M Oct. 12.

¹⁰⁷ A newsletter dated Oct. 13, 1668, lists under date of Oct. 12: "The Duke of York's birthday will be celebrated with the usual solemnities, a play being prepared for the entertainment of the ladies. The piece chosen is *The Queen of Arragon*. It will be acted in the Guard Chamber at St. James's." HMC, 12th Report, Appendix, Part VII, p. 59.

¹⁰⁸ A newsletter under date of November 9, 1668, lists: "A play, *The Tanner tanned*, is appointed for this evening in the new theatre at Whitehall." HMC, 12th Report, Appendix, Part VII, p. 60.

- M Jan. 11. King's. *The Jovial Crew*. Pepys, VIII, 185.
 W Jan. 13. King's. ?*The Maiden Queen*. Pepys, VIII, 187; or ?*Catiline's Conspiracy*. Nicoll, p. 306.¹⁰⁹
 F Jan. 15. Duke's. *Macbeth*. Pepys, VIII, 189.
 S Jan. 16. King's. *Horace*. Nicoll, p. 306.
 M Jan. 18. Duke's. *The Wits*. Pepys, VIII, 192.
 T Jan. 19. King's. *Horace*, 3rd. Pepys, VIII, 192-3.
 W Jan. 20. Duke's. *Twelfth Night*. Pepys, VIII, 193.
 Th Jan. 21. King's. *Horace*. Nicoll, p. 306.
 Duke's. *The Tempest*. Pepys, VIII, 194.
 W Jan. 27. Duke's. *The Adventures of Five Hours*. Pepys, VIII, 200.
 [F Jan. 29.¹¹⁰ King's. *Heiress*, 1st. Nicoll, p. 306.]
 M Feb. 1. Duke's. *She Would if She Could*.¹¹¹ Pepys, VIII, 204.
 T Feb. 2.¹¹² King's. *The Heiress*. Pepys, VIII, 204-5.
 [Inner Temple. ?*Secret Love* or ?*Little French Lawyer*.¹¹³
 Nicoll, p. 384.]
 S Feb. 6. King's. *The Moor of Venice*. Pepys, VIII, 206-7.
 M Feb. 8. At Court (King's). *The Committee*. Nicoll, p. 306.
 T Feb. 9. King's. *The Island Princess*. Pepys, VIII, 209.
 M Feb. 15. [King's]. *Horace*, Evelyn, II, 41.
 At Court (Duke's). *The Adventures of Five Hours*. Pepys,
 VIII, 217.
 Th Feb. 18. Duke's. *The Mad Lover*. Pepys, VIII, 219.
 S Feb. 20. Duke's. *The Grateful Servant*. Pepys, VIII, 220.

¹⁰⁹ There is a disagreement between the two sources as to the play acted on this day, but Pepys may well be wrong, for he states, "to the King's playhouse, and there saw, I think, 'The Maiden Queene.'" Perhaps, when he put his entries in his diary, he was uncertain what play he had seen.

¹¹⁰ This performance offers a problem in dating. Nicoll lists it for Jan. 29, but Pepys, writing on February 1, refers to "The Heyress, first acted on Saturday [30] last" (VIII, 204), a date which Harbage, p. 132, and Summers, BRD, p. 35, accept. January 30, however, was a fast day for the martyrdom of Charles I; Pepys, on Jan. 30, states that the day was "a fast day for the murder of the late King." Nicoll, *TLS*, Sep. 21, 1922, pp. 600-01, discusses the problem and leans toward accepting Pepys and assuming an error in the list. Because of the customary closing of the theaters on Jan. 30, I believe that Pepys' reference to "Saturday last" might be a slip of memory for "Friday last." Pepys often wrote his entries into his journal a day or two later, a practice which would make such slips possible.

¹¹¹ Pepys went, this day, to the King's Theater to see *The Heiress* but found "no play there" and went on to the Duke's playhouse.

¹¹² If W. J. Lawrence (*MLR*, XXVIII [1933], 103) is right, there would be a performance of *Horace* on Feb. 4, 1668/9. See this calendar for Feb. 4, 1667/8.

¹¹³ These plays are in the list of those acted at the Inner Temple about this time, but the exact date for each is not given.

(1669, continued)

M Feb. 22. At Court (King's). Bartholomew Fair. Pepys, VIII, 221; Nicoll, p. 306.

Th Feb. 25. Duke's. The Royal Shepherdess. Pepys, VIII, 223-4.

F Feb. 26. King's. The Faithful Shepherdess. Pepys, VIII, 224.

[Duke's. The Royal Shepherdess.¹¹⁴ Pepys, VIII, 224].

W March 3. Duke's. The Lady's Trial. Pepys, VIII, 228.

M March 8. King's. The Mock Astrologer. Pepys, VIII, 238.

T March 9. King's. Claricilla. Pepys, VIII, 239-40.

W March 17.¹¹⁵ King's. The Coxcomb, revived. Pepys, VIII, 248.

T March 23. King's. The Coxcomb. Nicoll, p. 306.

W April 14. Duke's. The Impertinents. Pepys, VIII, 276-7.

F April 16. Duke's. Guzman. Pepys, VIII, 278-9.

S April 17. King's. The Alchymist. Pepys, VIII, 279; Nicoll, p. 306.

F April 23. King's. The Generous Portugals. Pepys, VIII, 287.

S April 24. King's. The General. Pepys, VIII, 287.

M May 3. King's. [Love's Mistress]. Summers, RT, p. 33.

Th May 6. King's. A King and No King. Nicoll, p. 306.

W May 12. Duke's. The Roman Virgin, 1st time. Pepys, VIII, 303.

M May 17. King's. The Spanish Curate. Pepys, VIII, 306.¹¹⁶

1670

[?W Feb. 2. Inner Temple (Duke's). The Little French Lawyer. Sprague, p. 50.]¹¹⁷

T Nov. 1. Inner Temple (Duke's). Sir Martin Marall. Nicoll, p. 384.

1671

[?T Jan. 10. King's. The Conquest of Granada, II. HMC.]¹¹⁸

¹¹⁴ Pepys implies that *The Royal Shepherdess* was acted again on this date.

¹¹⁵ Although this date is a Wednesday in Lent, the performance seems to be by special permission, for Pepys states that the play was "acted only by the young people" of the house. The circumstances are similar to those on W March 20, 1666/7, when, on a Wednesday in Lent, the young actors played.

¹¹⁶ With the close of Pepys' diary, notices of performances are for several months very scarce. The theaters ceased acting in October, 1669, for a while (Nicoll, p. 288).

¹¹⁷ Sprague, p. 50, thinks that this play—which appears in this calendar under Feb. 2, 1668/9—may have been acted on this date.

¹¹⁸ On M Jan. 2, Lady Mary Bertie wrote to Katherine Noel: "There is lately come out a new play writ by Mr. Dreyden who made the *Indian Emperor*. It is called the *Conquest of Grenada*. My brother Norreys tooke a box and carryed my Lady Rochester and his mistress and all us to, and on Tuestay wee are to goe see the second part of it which is then the first tim acted." HMC, 12th Report, Appendix, Part V (Rutland Mss.), p. 22. It would appear that Lady Mary meant T 10 rather than T 3; Summers, BRD, p. 57, however, gives the première as M Jan. 9.

- Th Feb. 2.¹¹⁹ Inner Temple (King's). The Committee. Nicoll, p. 384.
 F Feb. 10. At Court (King's). The Conquest of Granada, I.¹²⁰ Evelyn, II, 60.
 S Feb. 11. At Court (King's). The Conquest of Granada, II. Evelyn, II, 60.
 [?Th March 9. Duke's. Hannibal. Nicoll, p. 309.]¹²¹
 [?M March 13. Duke's. The Romantic Lady. Nicoll, p. 309.]
 [?T March 28. Duke's. Pompey. Nicoll, p. 309.]
 W Nov. 1. Inner Temple (King's). Philaster. Nicoll, p. 384.
 Th Nov. 9. Duke's.¹²² Sir Martin Marall. Downes, p. 31.
 [F Nov. 10. Duke's. Sir Martin Marall. Downes, p. 31.]¹²³
 [S Nov. 11. Duke's. Sir Martin Marall. Downes, p. 31.]
 [T Nov. 14. At Court (Duke's). Sir Salomon. Boswell, p. 285.]¹²⁴
 Th Dec. 7. King's. The Rehearsal. Harbage, p. 134.
 Th Dec. 14. ? The Recital [Rehearsal]. Evelyn, II, 73.

1672

- M Feb. 26.¹²⁵ King's. Wit without Money. Nicoll, p. 289.
 S April 20. Duke's. The Adventures of Five Hours. Nicoll, p. 309.

¹¹⁹ On Feb. 6 amateurs acted at Court the Queen's Masque (Boswell, p. 284) and acted it again on Feb. 20 and 21 (p. 285).

¹²⁰ Boswell, pp. 284-85, distinguishes the parts as given above.

¹²¹ The block of performances for March 9, 13, and 28 offers a difficult problem. In the original list they are dated "1671" and are followed by a performance for November 14 and then by performances for April, 1672. In discussing this series, Nicoll, *TLS*, Sep. 14, 1922, p. 584, seems to argue that the November 14 item is out of place and that the three performances in March belong to 1671/2. He heads the list by referring to plays acted "between March 9, 1671-2" and March 12, 1672/3, but in his *Restoration Drama* he heads the list "plays acted from Mar. 9, 1671, to Mar. 12, 1672/3." He does not make quite clear to what year he believes the performance for November 14 belongs, but Miss Boswell places it in 1671. For two reasons I have tentatively placed them in 1670/1: (1) Because Miss Boswell puts the November 14 performance in 1671, assigning the three to the March preceding makes a continuous list. (2) Because, if the three performances are put in 1671/2, the March 13 performance would fall on a Wednesday in Lent, assigning them to 1670/1 removes any inconsistency with Lenten practice. There seems no clear way of determining from the history of the plays themselves whether they could or could not be performed in 1671.

¹²² On this day the Duke's Company opened the new theater in Dorset Garden with *Sir Martin Marall* (Downes, p. 31).

¹²³ Downes, pp. 31-32, states that *Sir Martin Marall* was acted three days and was followed by two performances of *Love in a Tub*, which may well have occurred on M Nov. 13 and T 14.

¹²⁴ Miss Boswell places this performance in 1671. See Footnote 121 of this calendar.

¹²⁵ The King's Theater had burned on Jan. 25, 1671/2, with *The Miser* as the last play acted before the fire (Fitzgerald, I, 136). On M Feb. 26 the King's Company acted for the first time following the fire and played at Lincoln's Inn Fields.

(1672, continued)

F May 17. Duke's. Charles VIII. Nicoll, p. 309.

Th July 4. Duke's. The Citizen Turned Gentleman.¹²⁶ Nicoll, p. 309.

M July 8. Duke's. The Citizen Turned Gentleman. Nicoll, p. 309.

W July 17. Duke's. The Citizen Turned Gentleman. Nicoll, p. 309.

S Aug. 3. Duke's. The Fatal Jealousy. Nicoll, p. 309.

F Aug. 16. Duke's. The Citizen Turned Gentleman. Nicoll, p. 309.

S Aug. 17. Duke's. Love in a Tub. Nicoll, p. 309.

W Aug. 21. Duke's. The Wits. Nicoll, p. 309.

Th Aug. 29. Duke's. The Citizen Turned Gentleman. Nicoll, p. 309.

S Aug. 31. Duke's. Sir Martin Marall. Nicoll, p. 309.

T Sep. 3. Duke's. King Henry VIII. Nicoll, p. 309.

T Sep. 17. Duke's. Charles VIII. Nicoll, p. 309.

Th Oct. 3. Duke's. The Citizen Turned Gentleman. Nicoll, p. 309.

M Nov. 4.¹²⁷ Duke's. The Morning Ramble. Nicoll, p. 309.

[Su Nov. 17.¹²⁸ Duke's. The Guardian. Nicoll, p. 309.]

M Dec. 2. Duke's. Epsom Wells. Nicoll, p. 309.

W Dec 4. Duke's. Epsom Wells. Nicoll, p. 309.

F Dec. 27. At Court (Duke's). Epsom Wells. Nicoll, p. 309.

1673

F. Jan. 10. Duke's. The Amorous Widow. Nicoll, p. 309.

T Feb. 4. Duke's. The Amorous Widow. Nicoll, p. 309.

Th Feb. 6. Duke's. The Dutch Lovers. Nicoll, p. 309.

T Feb. 18. Duke's. Macbeth. Nicoll, p. 309.

W March 12.¹²⁹ Duke's. The Careless Lovers. Nicoll, p. 309.

Th May 29. At Court. "the Italian Comedy." Evelyn, II, 89.

Th July 3. Duke's. The Empress of Morocco. Nicoll, p. 310.

[S Aug. 9.¹³⁰ Duke's. The Man's the Master. Nicoll, p. 310.]

S Sep. 27. Duke's. The Rectory. Nicoll, p. 310.

T Oct 21. Duke's Sir Martin Marall. Nicoll, p. 310.

T Oct. 28. Duke's. Herod and Mariamne. Nicoll, p. 310.

F Dec. 5. Duke's. Epsom Wells. Nicoll, p. 310.

¹²⁶ Downes, p. 32, states that this comedy was acted nine days in succession.

¹²⁷ *The Citizen Turned Gentleman* was acted at the Middle Temple in 1672, with a prologue by Ravenscroft. Possibly it was played in November.

¹²⁸ This date falls on Sunday, but it seems clear, from the sequence of the performances, that the year must be 1672.

¹²⁹ This is a Wednesday in Lent.

¹³⁰ Nicoll's list states either August 3 or 9; because August 3 would fall on Sunday, August 9 is preferable.

1674

- M Jan. 5. At Court. "an Italian opera in music."¹³¹ Evelyn, II, 96.
 S Jan. 31. Duke's. The Adventures of Five Hours. Nicoll, p. 310.
 W March 18.¹³² Duke's. The Sea Captains. Nicoll, p. 310.
 Th March 26.¹³³ King's. The Beggars' Bush. Nicoll, p. 307.
 M March 30. King's. The French Opera.¹³⁴ Nicoll, p. 307.
 Th April 23. King's. Marriage a la mode. Nicoll, p. 307.
 [c. Th April 30. Duke's. The Tempest. Spencer, p. 94.]¹³⁵
 M May 11. King's. Love in a Maze. Nicoll, p. 307.
 T May 12. King's. The Indian Emperor. Nicoll, p. 307.
 S May 16. King's. Nero. Nicoll, p. 307.
 T Oct. 20.¹³⁶ King's. The Traitor. Nicoll, p. 307.
 S Oct. 24. King's. Philaster. Nicoll, p. 307.
 M Nov. 2. Duke's. Constantinople. Nicoll, p. 310.
 T Nov. 3. At Court (Duke's). The Citizen Turned Gentleman. Nicoll, p. 310.
 M Nov. 9. Duke's. Love and Revenge. Nicoll, p. 310.
 King's. Rollo, Duke of Normandy. Nicoll, p. 307.
 T Nov. 10. King's. The Indian Emperor. Nicoll, p. 307.
 Th Nov. 12. King's. The Alchymist. Nicoll, p. 307.
 M Nov. 16. King's. Aglaura. Nicoll, p. 307.
 T Nov. 17. Duke's. The Tempest. Nicoll, p. 310.
 W Nov. 18. Duke's. The Tempest. Nicoll, p. 310.
 Th Nov. 19. King's. The Mock Tempest. Nicoll, p. 307.
 T Nov. 24. King's. Love in a Maze. Nicoll, p. 307.
 Th Nov. 26. Duke's. The Triumphant Widow. Nicoll, p. 310.
 S Nov. 28. Duke's. The Tempest. Nicoll, p. 310.
 M Nov. 30. King's. Bartholomew Fair. Nicoll, p. 307.
 W Dec. 2. Duke's. Hamlet. Nicoll, p. 310.
 T Dec 8.¹³⁷ King's. The Tamer Tamed. Nicoll, p. 307.

¹³¹ Nicoll, *TLS*, Oct. 5, 1922, p. 631, suggests *Ariane*.

¹³² This is a Wednesday in Lent.

¹³³ The new theater in Drury Lane opened on this day (Spencer, p. 92).

¹³⁴ *Ariane*. See W. J. Lawrence, "A Restoration Opera Problem," *TLS*, Sep. 26, 1929, p. 737.

¹³⁵ For a summary of the evidence for this date, see Spencer, p. 94.

¹³⁶ During September to December 1674, Nell Gwyn saw *The Tempest* four times, *Macbeth* once, and *Hamlet* once. See HMC, Third Report (London, 1872), p. 266. The performances she saw may be the same as some of those listed in this calendar for 1674.

¹³⁷ On Dec. 15 and 22, Evelyn, II, 100-01, states that he saw *Calisto* acted at Court; Miss Boswell believes that he saw rehearsals. Nicoll, p. 319, has a reference to a performance of *Calisto* planned for Dec. 25, but presumably it was not given.

(1674, continued)

Th Dec. 17. King's. *The Island Princess*. Nicoll, p. 307.

M Dec. 21. King's. *The Rehearsal*. Nicoll, p. 307.

M Dec. 28. King's. *The Rehearsal*. Nicoll, p. 307.

W Dec. 30. Duke's. *She Would if She Could*. Nicoll, p. 310.

1675

F Jan. 8. Duke's. *The Guardian*. Nicoll, p. 310.

T Jan. 12. King's. *The Country Wife*.¹³⁸ Nicoll, p. 307.

F Jan. 15. King's. *The Country Wife*. Nicoll, p. 307.

Th Jan. 21. Duke's. *Sir Martin Marall*. Nicoll, p. 310.

F Jan. 22. Duke's. *Sir Martin Marall*. Nicoll, p. 310.

W Jan. 25. King's. *The Moor of Venice*. Nicoll, p. 307.

M Feb. 15. At Court (amateurs). Calisto. Boswell, p. 286.

T Feb. 16. At Court (amateurs). Calisto. Boswell, p. 286.

S Feb. 27. Duke's. *Psyche*.¹³⁹ Nicoll, p. 310.

T March 2. Duke's. *Psyche*. Nicoll, p. 310.

M March 8. King's. *Catiline's Conspiracy*. Nicoll, p. 307.

M April 19.¹⁴⁰ King's. *Rollo, Duke of Normandy*. Nicoll, p. 307.

F April 23. King's. *A King and No King*. Nicoll, p. 307.

[At Court (amateurs). Calisto. Boswell, p. 286.]

F April 30. King's. *Sophonisba*. Nicoll, p. 307.

T May 4. King's. *Sophonisba*. Nicoll, p. 307.

F May 7. King's. *Sophonisba*. Nicoll, p. 307.

M May 10. King's. *Love in the Dark*. Nicoll, p. 307.

Th May 20. Duke's. *The Conquest of China*. Summers, BRD, p. 107.¹⁴¹

F May 28. Duke's. *The Conquest of China*. Nicoll, p. 310.

M June 7.¹⁴² At Court (King's). *The Island Princess*. Nicoll, p. 307.

T June 15. Duke's. *The Libertine*. Nicoll, p. 310.

S June 19. King's. *Marriage a la Mode*. Nicoll, p. 307.

¹³⁸ Nicoll, p. 226 n, believes that this was probably the first performance of the comedy.

¹³⁹ Downes, p. 36, states that *Psyche* was acted about eight times.

¹⁴⁰ There apparently was a play at Court on Th April 22—unless it is a mistake for F April 23—for on Su April 25, John Verney wrote to Sir Ralph Verney: "The King on Saturday night sent for the keys from the Earl of Clarendon—'tis said the reason is, that last Thursday a play was acted at court, and after orders given that no more should be let in, his lordship came to the door, which the guard refused to open, tho' he told them who he was, on which he broke it open and struck a yeoman of the guard. Some say a chamberlain was never before turned out for beating a yeoman of the guard." HMC, 7th Report, Mss. Sir Harry Verney (London, 1879), p. 464.

¹⁴¹ Summers does not state his source for this performance.

¹⁴² In June 1675 Nell Gwyn saw *King Lear* acted. See HMC, 3rd Report, p. 266.

- S Aug. 28.¹⁴³ Duke's. Macbeth. Nicoll, p. 17 n.
 [c. W Sep. 22.¹⁴⁴ Duke's. Alcibiades. Nicoll, p. 310.]
 T Sep. 28.¹⁴⁵ Duke's. Doctor Faustus. Nicoll, p. 310.
 T Oct. 26. King's. The Alchymist. Nicoll, p. 307.
 M Nov. 1. Inner Temple (King's). The Scornful Lady. Nicoll, p. 384.
 S Nov. 6. King's. Sophonisba. Nicoll, p. 307.
 Th Nov. 11. King's. The Committee. Nicoll, p. 307.
 W Nov. 17. King's. Aurengzebe. Nicoll, p. 307.
 S Nov. 20. King's. Aurengzebe. Nicoll, p. 307.
 F Dec. 17. King's. The Merry Wives of Windsor. Nicoll, p. 307.
 T Dec. 21. King's. The Conquest of Granada, I. Nicoll, p. 308.
 W Dec. 29. King's. Sophonisba. Nicoll, p. 308.

1676

- M Jan. 10. Duke's. The Country Wit. Nicoll, p. 310.
 W Jan. 12. King's. The Moor of Venice. Nicoll, p. 308.
 M Jan. 17. King's. The Fox. Nicoll, p. 308.
 S Jan. 29.¹⁴⁶ King's. Augustus Caesar. Nicoll, p. 308.
 W Feb. 2. Inner Temple (King's). The Spanish Curate. Nicoll, p. 384.
 S March 11. Duke's. The Man of Mode, 1st time. Nicoll, p. 310.
 T April 18. Duke's. The Man of Mode. Nicoll, p. 310.
 T May 16. King's. The Country Wife. Nicoll, p. 308.
 Th May 18. King's.¹⁴⁷ Tyrannic Love, or The Royal Martyr. Nicoll, p. 308.
 T May 23. King's. Philaster. Nicoll, p. 308.
 Th May 25. Duke's. The Virtuoso. Nicoll, p. 310.
 M May 29. At Court (King's). Aurengzebe. Nicoll, p. 308.
 [Th June 8.¹⁴⁸ Duke's. Don Carlos. Nicoll, p. 310.]
 T June 13. King's. No Fool Like Ye Old Fool. Nicoll, p. 308.
 S Nov. 4. Duke's. Madam Fickle. Nicoll, p. 310.

¹⁴³ This is the day on which Sir Thomas Armstrong killed Scrope in a quarrel at the Duke's playhouse. See a letter, John Verney to Sir Ralph Verney, Aug. 30, 1675, in HMC, Mss. Sir Harry Verney, 7th Report (London, 1879), p. 465.

¹⁴⁴ The list cited by Nicoll is not clear at this point. Nicoll, *TLS*, Jan. 4, 1923, p. 12, assumes "Sept. 22" to be an error, but believes that the play was acted by the end of September.

¹⁴⁵ On W Sep. 29 Evelyn, II, 108, saw "the Italian Scaramuccio act" at Court.

¹⁴⁶ During February the King's Company left off acting because of differences among themselves (Nicoll, pp. 291-92).

¹⁴⁷ Miss Boswell, p. 286, believes that this performance may have been given at Court.

¹⁴⁸ Nicoll, p. 310 and *TLS*, Jan. 4, 1923, has the abbreviation "Jan" before *Don Carlos*, but in *TLS* Nicoll interprets it to be "June."

(1676, continued)

S Nov. 18. King's. The Fool Turned Critic. Nicoll, p. 308.

M Nov. 27. King's. Hannibal's Overthrow. Nicoll, p. 308.

M Dec. 4. King's.¹⁴⁹ Julius Caesar. Nicoll, p. 308.

T Dec. 5. King's. The Maiden Queen. Nicoll, p. 308.

M Dec. 11. King's. The Plain Dealer. Nicoll, p. 308.

W Dec. 13. King's. The Plain Dealer. Nicoll, p. 308.

1677

M Jan. 1. King's. A Shoemaker a Gent. Nicoll, p. 308.

F Jan. 12. King's.¹⁵⁰ The Destruction of Jerusalem, I. Nicoll, p. 308.

Th Jan. 18.¹⁵¹ King's. The Destruction of Jerusalem, II. Nicoll, p. 308.

M Feb. 12. Duke's. Antony and Cleopatra. Nicoll, p. 310.

S Feb. 24. Duke's. The Siege of Rhodes, II. Nicoll, p. 310.

S March 17.¹⁵² King's. The Rival Queens. Nicoll, p. 308.

S March 24. Duke's. The Rover, I. Nicoll, p. 310.

M April 2. King's. The Captain, or the Town Miss. Nicoll, p. 310.

S May 5. King's. Scaramouch & Harlequin.¹⁵³ Nicoll, p. 308.

[S May 12.¹⁵⁴ Duke's. Circe. Nicoll, p. 310.]

T May 29. At Court.¹⁵⁵ French Comedy (Rare-en-Tout). Nicoll, pp. 317-8.

Th May 31. Duke's. The Fond Husband. Nicoll, p. 311.

F June 8. Duke's. The Fond Husband. Nicoll, p. 311.

S July 28. Duke's. The Impertinents. Nicoll, p. 311.

M Nov. 5. Duke's. The Tempest. Nicoll, p. 311.

Th Nov. 15. Duke's. The Tempest. Nicoll, p. 311.

¹⁴⁹ Miss Boswell, p. 286, thinks that the performances on Dec. 4 and 5 may have been given at Court.

¹⁵⁰ Miss Boswell, p. 287, thinks this play may have been given at Court.

¹⁵¹ Lady Chaworth, 19 January 1676/7, to Lord Roos: "Theire is two niewe plays which are much comended—the siege of Jerusalem by the Emperour Vespasian, and his son Titus's love with Berenice; the epilogue is much prayseed that tells tis not like to please this age to bring them a story of Jerusalem who would more delight in one of Sodome and a vertuous woman which in this age they promise shan't be seen but on the stage." HMC, 12th Report, Appendix, Part V, Rutland Mss. (London, 1889), p. 36.

¹⁵² March 17, 1676/7: "Sir Charles Sedley's *Cleopatra* has been acted often, and to-day a new play of the death of Alexander, but I have not been to see either." HMC, 12th Report, Appendix, Part IX (London, 1891), p. 66.

¹⁵³ This is a variant title for *Scaramouch a Philosopher* (Harbage, p. 138).

¹⁵⁴ Nicoll conjectures the date to be May 12.

¹⁵⁵ On May 31, 1677, John Verney wrote to Edmund Verney: "On Wednesday [?] his Majesty's birth night was some gallantry at Whitehall, where was acted a French opera, but most pitifully done, so ill that the King was aweary on't." HMC, 7th Report, Appendix, Part I (London, 1879), p. 469.

- S Nov. 17. Duke's. *The Politician*, or *Sir Popler*, 1st.¹⁵⁶ Nicoll, p. 311.
 W Dec. 12. King's. *All for Love*. Nicoll, p. 16 n.
 W Dec. 26. King's. *The Rival Queens*. Fitzgerald, I, 145.¹⁵⁷

1678

- Th Jan. 17. Duke's. *Sir Patient Fancy*. Nicoll, p. 311.
 F Jan. 18. ? "the French play." HMC¹⁵⁸
 M March 11. Duke's. *Mr. Limberham*. Nicoll, p. 311.
 F April 5.¹⁵⁹ Duke's. *Friendship in Fashion*. Nicoll, p. 311.
 T May 28.¹⁶⁰ Duke's. *The Counterfeits*. Nicoll, p. 311.
 Th June 20. Merchant-Taylors Hall. *The Huntington Divertisement*.
 Harbage, p. 140.

1679

- [F March 21.¹⁶¹ Duke's. *The True Widow*. Macdonald, p. 156.]

1680

- T Jan. 27. ? *She Would if She Could*. Bryant.¹⁶²
 [?W Feb. 11.¹⁶³ At Court (Duke's). *The Rover*. Nicoll, p. 312.]

¹⁵⁶ Andrew Marvell to Sir Edw. Harley, Nov. 17, 1677: "To-day is acted the first time *Sir Popular Wisdom* or *the Politician*, where my Lord Shaftesbury and all his gang are sufficiently personated." HMC, 14th Report, Appendix, Part II (London, 1894), p. 357.

¹⁵⁷ The box office receipts for Dec. 12 and 26 appeared in *The Theatrical Inquisitor* and *Monthly Mirror*, July, 1816; the figures are reproduced in Fitzgerald, I, 145, and Summers, RT, pp. 64-65.

¹⁵⁸ Earl of Arran to the Duchess of Ormond, Jan. 19, 1677/8, HMC, Mss. Ormonde, New Series, VI (London, 1906), p. 90.

¹⁵⁹ In two lists which are in part duplicates, a performance of *Friendship in Fashion* is listed for April 5 in the first one, for April 25 in the second one. Possibly these represent two performances, but the second list seems to be a miscopying of the first (Nicoll, p. 311).

¹⁶⁰ The duplicate list gives the date as May 25.

¹⁶¹ Nicoll, p. 353, gives c. March 1678/9, as the première. A. S. Borgman, *Thomas Shadwell: His Life and Comedies* (New York, 1928), pp. 32-33, states that it was produced between Oct. 17, 1678, and Feb. 16, 1678/9, the date of the dedication. Macdonald specifies March 21, 1678/9. It should be noted that March 21, 1678/9, is a Friday in Lent.

¹⁶² Arthur Bryant, *Samuel Pepys: Years of Peril* (New York, 1935), p. 314. In addition to this performance, Bryant states (p. 328) that during March, 1680, Pepys saw *The Orphan* and *She Would if She Could*. Bryant does not specify the days for these later performances, but this later diary by Pepys will presumably be published some day and these performances known more exactly.

¹⁶³ The block of performances for February 11, 13, 17, 20, 27, and March 6 offers a puzzling problem. In Nicoll's list they are under "1680," a dating which would ordinarily mean 1680/1. Boswell, p. 288, labels them 1680?/1. In *TLS*, Feb. 22, 1923, p. 124, in which Nicoll discusses this set (among others) of performances, he does not discuss the year; but in *TLS*, Jan. 4, 1923, p. 12, he refers to the Feb. 17 performance of *Sir Fopling* and assigns it to 1680/1. Borgman, *op. cit.*, p. 25 n, interprets the Feb. 20 performance of *Epsom Wells* to be 1680/1, in agreement with Nicoll. The principal difficulty in leaving these performances in

(1680, continued)

- [?F Feb. 13. At Court (Duke's). *The Wanton Wife*. Nicoll, p. 312.]
 [?T Feb. 17. At Court (Duke's). *Sir Fopling Flutter*. Nicoll, p. 312.]
 [?F Feb. 20. At Court (Duke's). *Epsom Wells*. Nicoll, p. 312.]
 [?F Feb. 27. At Court (Duke's). *She Would if She Could*. Nicoll, p. 312.]
 M March 1.¹⁶⁴ Duke's. *The Soldier's Fortune*. Nicoll, p. 311.
 [?S March 6. At Court (Duke's). *A Night's Intrigue*. Nicoll, p. 312.]
 M March 8. Duke's. *The Spanish Fryar*. Nicoll, p. 311.
 [?Su April 4.¹⁶⁵ Duke's. *The Rover*, II. Nicoll, p. 311.]
 M Nov. 1. Duke's. *The Spanish Fryar*.¹⁶⁶ Macdonald, p. 123.
 [W Dec. 8. Duke's. *Lucius Junius Brutus*. White, p. 30.]¹⁶⁷
 [Th Dec. 9. Duke's. *Lucius Junius Brutus*. White, p. 30.]
 [F Dec. 10. Duke's. *Lucius Junius Brutus*. White, p. 30.]
 [S Dec. 11. King's. *The Sicilian Usurper*. Spencer, p. 101.]¹⁶⁸
 [M Dec. 13. King's. *The Sicilian Usurper*. Spencer, p. 101.]

1681

- M April 18. Duke's. *The Soldier's Fortune*. Nicoll, p. 311.
 T Nov. 15. At Court (King's). *The Rival Queens*. Boswell, p. 288.
 T Nov. 22. Duke's. *The London Cuckolds*. Nicoll, p. 311.

1680/1 is that three of the six fall on Sundays in 1680/1, and for that reason I have tentatively assigned them to 1679/80, even though the performance of Feb. 27 in 1679/80 falls on a Friday in Lent. It should be noted too—see Rosenfeld, p. 447—that on M Feb. 2, 1679/80, there was a disorder at the Duke's "which has occasioned a Prohibition from farther Acting, till his Majesties farther pleasure." This prohibition was lifted by at least Th Feb. 26, 1679/80, when Nell Gwyn was at the Duke's and there was another "great hubbub in the house." (See Nicholas Luttrell, *A Brief Historical Relation of State Affairs* [Oxford, 1857], I, 34-35.) Although it might be argued that this prohibition from acting would of a certainty remove these performances from 1679/80, is it not possible that, prohibited from acting in their playhouse, the Duke's actors nevertheless were free to act at Court, where such disorders would be unlikely, and that they acted at Court frequently because they could not play in their theater?

¹⁶⁴ Nicoll, *TLS*, Feb. 22, 1923, p. 124, suggests that this performance and that for March 8 should be 1679/80 rather than 1678/9.

¹⁶⁵ This is another performance which falls on a Sunday; in *TLS*, Feb. 22, 1923, p. 124, Nicoll considers that the year should be 1680.

¹⁶⁶ Macdonald quotes from the Hatton Correspondence a letter dated 1 November 1680: "I was to see the new play, the Spanish Frier, and there was all the world."

¹⁶⁷ White states that *Lucius Junius Brutus* was suppressed on Dec. 11, 1680, after three days of acting. The dates given above are, of course, conjectural and subject also to objection on the grounds that in *The Term Catalogues* (ed. Arber), I, 451, the play is said to have been acted six times and then prohibited.

¹⁶⁸ This play was suppressed on Dec. 14, 1680, after being performed two days. The date of Dec. 12 has usually been given for the first performance, but because that date falls on Sunday, I have moved the first performance to a conjectural Dec. 11.

1682

Th Jan. 19. Duke's. *Psyche*. Rosenfeld, p. 447.T Jan. 24. Duke's *The Royalist*. Nicoll, p. 311.¹⁶⁹W Jan. 25. Duke's. *The Royalist*. HMC.¹⁷⁰W Feb. 1. Duke's. *The Tempest*. Rosenfeld, p. 447.Th Feb. 2. Inner Temple (Duke's). *The London Cuckolds*. Nicoll, p. 384.T Feb. 7. King's. *The Loyal Brother*. Dodds.¹⁷¹Th Feb. 9. Duke's. *Venice Preserved*. Harbage, p. 144.¹⁷²S Feb. 11.¹⁷³ Duke's. *Venice Preserved*. Nicoll, p. 311.Th Feb. 16.¹⁷⁴ Duke's. *Macbeth*. Rosenfeld, p. 447.[Th March 2. King's. *The Mock Tempest*.¹⁷⁵ Rosenfeld, p. 447.]S March 11. King's. *The Heir of Morocco*. Nicoll, p. 139 n.M March 20. Duke's. *Like Father Like Son*. Harbage, p. 144.W April 5.¹⁷⁶ Duke's. *Virtue Betrayed*. Summers, Downes, p. 226.F April 21. [Duke's].¹⁷⁷ *Venice Preserved*. Rosenfeld, PMLA, p. 127.M May 15. Duke's. *The City Heiress*.¹⁷⁸ Summers, Downes, p. 227.

¹⁶⁹ There is some perplexity about this performance of *The Royalist* and the one for the following day. Lady Anne Howe, writing to the Countess of Rutland, Th Jan. 26, 1681/2, states: "The King went by water to the new play yeasterday, it being the poet's day, and is call'd the *Loyallest*." (HMC, 12th Report, Appendix, Part V, p. 64.) In a newsletter dated Jan. 26, 1681/2, it is stated: "Yesterday was a new play called the *Royalist*, where the Salamanca Doctor is exposed." (HMC, 10th Report, Appendix, Part IV, p. 175.) Is it possible that these references and Nicoll's concern a single performance at which the King was present? The list to which Nicoll refers reads "June 24," but in *TLS*, Feb. 22, 1923, p. 124, Nicoll considers this a mistake for January.

¹⁷⁰ See the reference to HMC in footnote 154.

¹⁷¹ J. W. Dodds, *Thomas Southerne, Dramatist* (New Haven, 1933), p. 28.

¹⁷² This is the accepted date for the first performance and is based on the original broadside prologue. See R. G. Ham, *Otway and Lee* (New Haven, 1931), p. 185.

¹⁷³ Macdonald, p. 140, lists a prologue spoken at *Mithridates*, "the First Play Acted at the *Theatre Royal* this year, 1681." The Luttrell copy is dated Feb. 13, 1681/2. What day this performance would be is uncertain.

¹⁷⁴ On Th. Feb. 23, the King went to an unnamed comedy (Rosenfeld, p. 447) and on Th. Feb. 28 the Moroccan Ambassador saw an unnamed comedy (p. 447).

¹⁷⁵ Miss Rosenfeld's reference is to a newspaper notice that this play, with the King in attendance, was intended to be acted on this day, but the papers apparently contain no notice confirming the performance.

¹⁷⁶ This performance falls on a Wednesday in Lent. The source is a collection of broadsides made by Nicholas Luttrell and called by Summers, Downes, p. 226, the Bindley collection. Summers confuses this performance by referring in his edition of Downes (pp. 220, 284) to April 5, 1682, the Duke's Theater, as the date of a performance of *Like Father Like Son* and for the same date and the same theater (pp. 226, 285) *Virtue Betrayed*.

¹⁷⁷ No theater is named in the newspaper, but the Dryden prologue indicates the Duke's Theater (Macdonald, p. 141).

¹⁷⁸ This performance is based upon the Bindley broadsides.

(1682, continued)

W May 17. Duke's. Sir Timothy Treatall. Rosenfeld, p. 448.

Th May 18. Duke's. The Libertine Destroyed. Rosenfeld, p. 448.

W May 31.¹⁷⁹ Duke's. Venice Preserved. Macdonald, p. 142.

Th Aug. 10. Duke's. Romulus. Rosenfeld, p. 448.

W Nov. 1. Inner Temple [Duke's].¹⁸⁰ Rule a Wife and Have a Wife.
Nicoll, p. 384.

Th Nov. 9. Duke's. The Soldier's Fortune. Nicoll, p. 311.

W Nov. 15. At Court [United?].¹⁸¹ Rule a Wife and Have a Wife.
Nicoll, p. 318.

?S Nov. 18. United. The Duke of Guise.¹⁸²

S Nov. 25. United. The London Cuckolds. Nicoll, p. 311.

[Th Nov. 30. United. The Duke of Guise. Nicoll.]¹⁸³

F Dec. 1. United. The Duke of Guise. Nicoll, p. 311.

Th Dec 14. United. The London Cuckolds. Nicoll, p. 311.

S Dec 30. United. The Chances. Nicoll, p. 311.

1683

Th Jan. 11.¹⁸⁴ United. The Wanton Wife. Nicoll, p. 311.

Th Jan. 18. United. Othello. Nicoll, p. 311.

S Jan. 20. United. The City Politics. Macdonald, p. 244.

F June 1. United. Dame Dobson. Summers, Downes, p. 233.

Th Nov. 1. Inner Temple (United). The Plain Dealer. Nicoll, p. 384.

¹⁷⁹ On 26 July, 1682, John Drummond wrote to the Duke of Queensberry: "Ther is a play hear to be acted that maks a great business, for the Duke of Munmuth has complained of it, and they say that notwithstanding it is to be acted sometime nixt weik. They call it the Duke of Guise." (HMC, Mss. Duke of Buccleuch and Queensberry [London, 1903], II, 108.) The play was later forbidden. See HMC, 15th Report, Part VII (London, 1898), p. 108.

¹⁸⁰ Sprague, p. 27, assigns it to the Duke's Company.

¹⁸¹ Boswell, p. 288, believes that it was the United Company acting at Court this day, although the usual accounts give November 16 as the first day for acting by the United Company. It is curious that, although the prologue and the epilogue for the opening of the theater by the United Company have survived—see them in *Rare Prologues and Epilogues, 1642-1700*, ed. Autrey Nell Wiley (London, 1940), pp. 141-45—there seems to be no record of what play was offered on Nov. 16, 1682.

¹⁸² "This day (November 18) was acted a play called 'The Duke of Guise. . .'" This item, presumably from a newsletter, is quoted in Lady Newdigate-Newdigate, *Cavalier and Puritan in the Days of the Stuarts* (London, 1901), p. 250. Unfortunately, the exact source for this quotation is not stated.

¹⁸³ Nicoll, *TLS*, Feb. 22, 1923, p. 124, assumes that Dec. 1 is the second day of acting. See also Macdonald, pp. 143-44.

¹⁸⁴ The list is not perfectly clear; the performances for Th Jan. 11 and Th Jan. 18 might be 1683/4. Nicoll, *TLS*, Feb. 22, 1923, p. 124, does not express his opinion as to the year.

[c. M Nov. 12. United. Constantine the Great. Macdonald, p. 160.]¹⁸⁵

1684

M Feb. 11.¹⁸⁶ At Court (United). Valentinian. Nicoll, p. 311.

W Feb. 20.¹⁸⁷ United. Valentinian. Summers, Downes, p. 234.

S Feb. 23.¹⁸⁸ United. The Scornful Lady. Nicoll, p. 311.

F March 21.¹⁸⁹ United. The Northern Lass. Summers, Downes, p. 234.

[c. S April 5. United. The Disappointment. Dodds.]¹⁹⁰

M Aug. 18. United. A Duke and No Duke. Summers, Downes, p. 234.

S Nov. 1. Inner Temple (United). A Fond Husband. Nicoll, p. 385.

M Nov. 3. United. A Duke and No Duke. Nicoll, p. 311.

S Nov. 29. United. The Spanish Fryar. Nicoll, p. 311.

T Dec. 9. United. A Duke and No Duke. Nicoll, p. 311.

1685

F Jan. 2. United. The [Humorous] Lieutenant. Nicoll, p. 311.

T Jan. 13. United. The Destruction of Jerusalem, II. Nicoll, p. 312.

Th Jan. 15. United. The Silent Woman. Nicoll, p. 312.

T Jan. 20. United. Rollo. Nicoll, p. 312.

Th Jan. 22. United. The Rover. Nicoll, p. 312.

T Jan. 27.¹⁹¹ United. The Disappointment. Nicoll, p. 312.

T April 28. United. Rollo. Nicoll, p. 312.

M May 4. United. Sir Courtly Nice. Summers, Downes, p. 239.

M May 11. United. Sir Courtly Nice. Nicoll, p. 312.

S May 30. United. Othello. Nicoll, p. 312.

W June 3. United. The Opera [Albion and Albanus]. Nicoll, p. 312.

S June 6. United. Albion and Albanus. Macdonald, p. 127.

[S June 13. United. Albion and Albanus.¹⁹² Summers, Downes, p. 237.]

¹⁸⁵ See also *Rare Prologues and Epilogues, 1642-1700*, pp. 183-7. A Ms note by Luttrell has the date: 14 November 1683 (p. 182).

¹⁸⁶ The year is presumably 1683/4 rather than 1682/3. See Nicoll, *TLS*, Feb. 22, 1923, p. 124.

¹⁸⁷ The basis for this performance is the Bindley broadsides; it should be noted that this date is a Friday in Lent.

¹⁸⁸ Presumably 1683/4 instead of 1682/3. See Nicoll, *TLS*, Feb. 22, 1923, p. 124.

¹⁸⁹ This performance, based on the Bindley broadsides, falls on a Friday in Lent.

¹⁹⁰ See J. W. Dodds, *Thomas Southerne, Dramatist*, p. 48.

¹⁹¹ Acting was suspended for two months following the death of Charles II in February, 1685 (White, p. 17). The order to resume acting was issued on April 20, 1685 (Nicoll, p. 298).

¹⁹² According to Downes (p. 40), this piece was acted six times, the sequence

(1685, continued)

Th Aug. 20. United. A Commonwealth of Women. Summers, BRD, p. 64.¹⁹³

T Oct. 20.¹⁹⁴ United. A King and No King. Nicoll, p. 312.

Th Oct. 29. At Court (United). The Rover. Nicoll, p. 312.

W Nov. 4. At Court (United). Rule a Wife and Have a Wife. Nicoll, p. 312.

Inner Temple (United). A Soldier's Fortune. Nicoll, p. 385.

M Nov. 9. At Court (United). Sir Courtly Nice. Nicoll, p. 312.

M Nov. 16. At Court (United). The City Politics. Nicoll, p. 312.

T Nov. 24. At Court (United). The Moor of Venice. Nicoll, p. 312.

M Nov. 30. At Court (United). Sir Fopling. Nicoll, p. 312.

M Dec. 14. At Court (United). The Plain Dealer. Nicoll, p. 312.

[c. S Dec. 19. United. Alexander. Nicoll, p. 318.]¹⁹⁵

W Dec. 30.¹⁹⁶ United. The Committee.¹⁹⁷ Nicoll, p. 312.

1686

W Jan. 13. At Court (United). The Duchess of Malfi. Nicoll, p. 312.

W Jan. 20. At Court (United). All for Love. Nicoll, p. 312.

S Jan. 23. United. A King and No King. HMC.¹⁹⁸

W Jan. 27. At Court (United). The Chances.¹⁹⁹ Nicoll, p. 312.

T Feb 2. Inner Temple (United). The Committee. Nicoll, p. 385.

W Feb. 3. At Court (United). The Scornful Lady. Nicoll, p. 312.

being interrupted by the news of the landing of the Duke of Monmouth. Summers, in his notes on Downes, concludes that the news of the landing did not reach London until S June 13 and concludes (p. 237): "No doubt the sixth performance took place on Saturday, June 13."

¹⁹³ In his edition of Downes, Summers (p. 248) refers to the Bindley collection as establishing the first performance of the play on Aug. 24.

¹⁹⁴ This performance (dated "20") follows one for October 29. Should "20" be considered a possible mistake for "30"?

¹⁹⁵ An order is dated this day for a payment for the acting of this play.

¹⁹⁶ Peregrine Bertie to the Countess of Rutland, 26 December, 1685: "The other night was a disturbance at the play-house, upon which they broke up acting but to-day they have begun againe." HMC, Rutland Mss, 12th Report, Part V (London, 1889), p. 99.

¹⁹⁷ Peregrine Bertie to the Countess of Rutland, 31 December, 1685: "Yesterday was acted *The Committee*. The King and Queen were there and all the whole Court went to see it." HMC, 12th Report, Part V (London, 1889), p. 100.

¹⁹⁸ Peregrine Bertie to the Countess of Rutland, 23 January, 1685/6: "To day will be acted *King and noe King*, by the King's command; everybody is sending to keep places; next week begins the French Opera." *Ibid.*, p. 102.

¹⁹⁹ Peregrine Bertie to the Countess of Rutland, 28 January, 1685/6: "Last night was acted, *the Chances* at Whitehall, and to-night should have been a musicke meeting at Yorke Buildings, which I am jest now told is to bee put off till next weeke. The French Opera will begin the weeke after the next." *Ibid.*, p. 102.

Th Feb. 4. United. *Mithridates*. HMC.²⁰⁰

S Feb. 6. United. *Othello*. HMC.²⁰¹

M Feb. 8. United. *Macbeth*. Nicoll, p. 312.

W Feb. 10. At Court (United). *The Humorous Lieutenant*. Nicoll, p. 312.

Th Feb. 11. United. *The French Opera*.²⁰² Nicoll, p. 312.

T Feb. 16.²⁰³ At Court (United). *The Mock Astrologer*. Nicoll, p. 312.

Th March 4. United. *The Devil of a Wife*, 1st. HMC.²⁰⁴

S March 6. United. *The Devil of a Wife*. HMC.

Th April 8. United. *The Committee*. Nicoll, p. 313.

F April 30. At Court (United). *Hamlet*. Nicoll, p. 313.

Th May 6. United. *The Rehearsal*. Nicoll, p. 313.

M May 10. United. *Sir Courtly Nice*. Nicoll, p. 313.

W Oct 6. United. *Mustapha*. Nicoll, p. 313.

W Oct. 13. United. *The Mock Astrologer*. Nicoll, p. 313.

W Oct. 20. At Court (United). *Sir Martin Marall*. Nicoll, p. 313.

W Oct. 27. At Court (United). *Alexander the Great*. Nicoll, p. 313.

M Nov. 1. Inner Temple (United). *The Spanish Curate*. Nicoll, p. 385.

W Nov. 3. At Court (United). *Sir Courtly Nice*. Nicoll, p. 313.

W Nov. 10. At Court (United). *Othello*, *The Moor of Venice*. Nicoll, p. 313.

W Nov. 17. At Court (United). *The Committee*. Nicoll, p. 313.

W Nov. 24. At Court (United). *The Humorous Lieutenant*. Nicoll, p. 313.

W Dec. 1. At Court (United). *The Beggars* [?Bush].²⁰⁵ Nicoll, p. 313.

²⁰⁰ Peregrine Bertie to the Countess of Rutland, S Feb. 6, 1685/6: "Thursday was acted *Mithridates* [sic] for the Quen and Goodman played." HMC, 12th Report, Appendix, Part V (London, 1889), p. 104.

²⁰¹ Peregrine Bertie to the Countess of Rutland, S Feb. 6, 1685/6: "To-day is *Othello*." *Ibid.*

²⁰² See W. J. Lawrence, "The French Opera in London," *TLS*, March 28, 1936, p. 268. Peregrine Bertie to the Countess of Rutland, Feb. 11, 1685/6: "To-day was the French opera. The King and Queen were there, the musicke was indeed very fine, but all the dresses the most wretched I ever saw; 'twas acted by none but French. A Saturday the Court goes to another play, to take their leaves of those vanities till after Lent." HMC, 12th Report, Part V, p. 104.

²⁰³ The second list seems to give "26" and, to make it more confusing, Peregrine Bertie, writing on February 17, says, "To night will be the last play att Court; they tell mee 'tis the *Mocke Astrologer*." *Ibid.*, p. 105.

²⁰⁴ Peregrine Bertie to the Countess of Rutland, S March 6, 1685/6: "To day is acted Jevorns' new farse; Thursday was the first day. I must confess it is the strangest thinge I ever saw; 'twas mighty full the last time, and to day there is noe getting in." *Ibid.*, p. 106.

²⁰⁵ For a discussion of the other possibilities for this play, which is called simply *The Beggars* in the list, see Sprague, p. 54.

(1686, continued)

Th Dec. 9. At Court (United). *A King and No King*. Nicoll, p. 313.

W Dec. 15. At Court (United). *The Maiden Queen*. Nicoll, p. 313.

1687

M Jan. 3. At Court (United). *The Fond Husband*. Nicoll, p. 313.

M Jan. 10. At Court (United). *The Orphan*. Nicoll, p. 313.

W Jan. 19. At Court (United). *The Rover*. Nicoll, p. 313.

Th Jan. 20. United. *The Rehearsal*. Nicoll, p. 313.

W Jan. 26. At Court (United). *Rollo*. Nicoll, p. 313.

W Feb. 2. Inner Temple (United). *The Spanish Fryar*. Nicoll, p. 385.

T Feb. 22. United. *A King and No King*. Boswell²⁰⁶

W April 6. United. *The Maid's Tragedy*. Nicoll, p. 313.

M April 11. At Court (United). *The Spanish Curate*. Nicoll, p. 313.

M April 18. At Court (United). *Julius Caesar*. Nicoll, p. 313.

M April 25. At Court (United). *The Island Princess*. Nicoll, p. 313.

M May 9. At Court (United). *King Lear*. Nicoll, p. 313.

Th May 12. United. *The Mistress*. Nicoll, p. 313.

M May 16. At Court (United). *Valentinian*. Nicoll, p. 313.

T Nov. 1. Inner Temple (United). *The Cheats of Scapin*. Nicoll, p. 385.

[c. T Dec. 20. At Court (United). *The Emperor of the Moon*. Nicoll, p. 318.]²⁰⁷

1688

T Jan. 31. At Court (United). *The Villain*. Nicoll, p. 313.

M Feb. 6. [United. *The Injured Lovers*. Borgman.]²⁰⁸

At Court (United). *The Double Marriage*. Nicoll, p. 313.

M Feb. 13. At Court (United). *The Beggars' Bush*. Nicoll, p. 313.

M Feb. 20. At Court (United). *King Lear*. Nicoll, p. 313.

M Feb. 27. At Court (United). *The Humorous Lieutenant*. Nicoll, p. 313.

[F May 4. United. *The Squire of Alsatia*. Borgman.]²⁰⁹

²⁰⁶ Eleanore Boswell, *Library*, 4th Series, XI (March 1931), 499-502.

²⁰⁷ An order dated December 20 calls for this play to be acted.

²⁰⁸ A. S. Borgman, *The Life and Death of William Mountfort* (Cambridge, Mass., 1935), p. 26 n.

²⁰⁹ See Borgman, *Thomas Shadwell*, p. 75. Borgman reports that Lord Granville wrote on May 5, 1688, to the effect that Shadwell's play was expected "this week"; on May 12 Peregrine Bertie wrote that it had been acted nine days successively. A reference in the epilogue suggests that the benefit (third) night fell on Monday, and Borgman believes that F May 4 was the first night. Perhaps Bertie misstated the number of performances the play had had by May 12, for a première on May 4 would not permit nine performances by May 12. Summers, Downes, p. 240, states that the comedy was produced on May 12, 1688.

1689

T May 28. United. *The Spanish Fryar*.²¹⁰ Nicoll, p. 314.

F May 31. United. *Sir Courtly Nice*. Nicoll, p. 314.

F Nov. 1. Inner Temple (United). *The Squire of Alsatia*. Nicoll, p. 385.

Th Nov. 7. United. *The Massacre of Paris*. Nicoll, p. 314.

F Nov. 15. At Court (United). *The Jovial Crew*. Nicoll, p. 314.

W Dec. 4. United. *Don Sebastian*. Nicoll, p. 314.

1690

Th Jan. 16. United. *Alexander*. Nicoll, p. 314.

W April 30. At Court (United). *Sir Courtly Nice*. Nicoll, p. 314.

T Oct. 21. United. *Amphitryon*. Nicoll, p. 314.

S Nov. 1. Inner Temple (United). *Amphitryon*. Nicoll, p. 385.

T Nov. 4. At Court (United). *The Rover*. Nicoll, p. 314.

[c. F Nov. 7. ?At Court (United). *Circe*. Nicoll, p. 319.]²¹¹

M Nov. 17. United. *The Prophetess*. Nicoll, p. 314.

1691²¹²

W Feb. 4. United. *Edward III*. Nicoll, p. 314.

[c. S Oct. 10. United. *Edward III*. Nicoll, p. 319.]²¹³

T Nov. 24. United. *The Emperor of the Moon*. HMC.²¹⁴

Th Dec. 31.²¹⁵ United. *The Merry Wives of Windsor*. Rosenfeld, p. 454.

1692²¹⁶

Th Jan. 7. United. *King Arthur*. Nicoll, p. 314.

T Feb. 9. United. *The Orphan*. Nicoll, p. 314.

[c. Th March 3²¹⁷ At Court. *The Orphan*. Nicoll, p. 319.]²¹⁸

²¹⁰ Nicoll, p. 318, lists *The Spanish Fryar* to be acted at Court on S June 8, but Boswell, p. 299, considers the listing "probably a mistake," for the same item is included in a bill for plays at the theater, where this play was given on May 28.

²¹¹ An order dated this day calls for the acting of this play.

²¹² From the *Gentleman's Journal* (Rosenfeld, p. 454) we know that *The Wives' Excuse* and *The Indian Emperor* were acted sometime during 1691.

²¹³ An order of this day calls for acting this play.

²¹⁴ A newsletter of Nov. 24, 1691: "This afternoon the Morocco ambassador was present at the acting of a play called *The Emperor of the Moon*." HMC, Hastings Mss (London, 1930), II, 332.

²¹⁵ Spencer, p. 115, points out that the United Company was suspended from acting during December 1691.

²¹⁶ During 1692, according to the *Gentleman's Journal* (Rosenfeld, pp. 454-57), these plays were acted but the days not indicated: *The Marriage Hater Matched*, *The Innocent Imposters*, *Caius Marius*, *The Traitor*, *Cleomenes*, *The Fairy Queen*, *Regulus*, and *Henry II*.

²¹⁷ According to the *Gentleman's Journal* (Rosenfeld, p. 455), March, 1691/2, an issue licensed on March 9, *Caius Marius* was to be revived "Wednesday next." Whether that would be March 9 or 16 is uncertain; either would be a Wednesday in Lent.

²¹⁸ An order dated this day calls for this play to be acted.

(1692, continued)

[c. S April 16. United. Cleomenes. Macdonald, p. 133.]

M May 2. United. The Fairy Queen. Luttrell, II, 435.

[c. M June 6. United. Regulus. Borgman.]²¹⁹

Th Oct. 13. United. Oedipus, King of Thebes. Luttrell, II, 593.

W Nov. 9. United. Henry II. Lawrence.²²⁰

M Nov. 14. United. Henry II. Nicoll, p. 314.

W Nov. 30. United. The Indian Emperor. W. J. Lawrence, *The Elizabethan Playhouse and Other Studies*, Second Series (Stratford, 1913), p. 240.

[F Dec. 2.²²¹ United. The Rival Queens. Borgman, *Mountfort*, p. 124.]

1693²²²

Th Feb. 16.²²³ United. The Fairy Queen. Nicoll, p. 314.

[c. S June 10. ?At Court (United). Caius Marius. Nicoll, p. 319.]²²⁴

1694²²⁵

S Jan. 13. United. The Double Dealer. Nicoll, p. 314.

W March 21. United. The Ambitious Slave. Malone.²²⁶

²¹⁹ Borgman, *Mountfort*, p. 113. Borgman argues from the data in the *Gentleman's Journal*.

²²⁰ See the playbill in W. J. Lawrence, *The Elizabethan Playhouse and Other Studies*, Second Series (Stratford, 1913), p. 240, and Lady Margaret Russell to Katherine Russell, Nov. 10, [1692]: "You will be surprised that Lady Cavendish has been hindered by a little sore throat from going yesterday to a new play of *King Henry and Rosamond*, which is much commended." HMC, 12th Report, Appendix, Part V (London, 1889), p. 124.

²²¹ Tradition holds that on S Dec. 10, 1692, William Mountfort, who died during the afternoon, was to have acted *Bussy D'Ambois*. See Borgman, *Mountfort*, p. 141.

²²² During 1693, according to the *Gentleman's Journal* (Rosenfeld, pp. 457-58), these plays were acted: *A Duke and No Duke*, *The Maid's Last Prayers*, *The Old Batchelor*, *The Wary Widow*, *The Richmond Heiress*, *A Very Good Wife*, *The Female Virtuoso*, and *The Double Dealer*.

²²³ In *TLS*, March 15, 1923, p. 180, Nicoll speculates whether the entry of *The Fairy Queen* for Feb. 16, 1692/3, is an error for April.

²²⁴ An order dated this day calls for the acting of this play.

²²⁵ In 1694, according to the *Gentleman's Journal* (Rosenfeld, pp. 458-59), these plays were acted: *Love Triumphant*, *The Fatal Marriage*, *The Ambitious Slave*, *Have at All*, *The Married Beau*, *Don Quixote II*, and *The Canterbury Guests*.

²²⁶ This performance is based upon a letter dated from London, March 22, 1693/4: "We had another new play yesterday, called the Ambitious Slave, or a Generous Revenge." It is quoted in *The Plays and Poems of William Shakespeare*, ed. Edmond Malone (London, 1821), III, 162-63. It should be noted that this date is a Wednesday in Lent.

[c. M April 16. At Court (United). The Old Batchelor. Nicoll, p. 319.]²²⁷

W May 9. United. All for Love. W. J. Lawrence, *The Elizabethan Playhouse and Other Studies*, Second Series (Stratford, 1913), p. 240.

[T June 12. United. Theodosius. Lawrence, *op. cit.*, p. 240.]

W Sep. 12.²²⁸ United. The London Cuckolds. Seaton, p. 339.

1695²²⁹

M April 1.²³⁰ Drury Lane. Abdelazer. Hotson, p. 311.

T April 30.²³¹ Lincoln's Inn Fields. Love for Love.²³² Downes, p. 43.

W Dec. 25. Westminster School. Cleomenes. Prior.²³³

1696

W April 29. ? The Indian Queen. Rosenfeld, p. 448.

F Nov. 6. DL. Oroonoko. Hotson, p. 377.

[S Nov. 14. LIF: The Anatomist. The Loves of Mars and Venus. Harbage, p. 152.]²³⁴

[S Nov. 21. DL. The Relapse. Harbage, p. 152.]²³⁵

W Nov. 25. DL. The Relapse. Hotson, p. 377.

²²⁷ An order dated this day calls for the acting of this play.

²²⁸ Miss Seaton, p. 339, records a performance of *The Unhappy Marriage* (a droll?) at Bartholomew Fair on W Sep. 5. Acting ceased on Dec. 22, 1694, on the illness of Queen Mary, and was not resumed until April, 1695 (Hotson, pp. 294, 299).

²²⁹ Evidence of how little we know of the daily activities of the theaters appears in Hotson, p. 308, who offers figures for the performances between 25 March 1695 and 7 July 1695 as totaling 84 acting days, supplemented by 68 acting days by the young people of the theater from 6 July to 10 October 1695. The regular season of 1695-1696 comprised 214 acting days, with the young people acting 57 additional times.

²³⁰ Colley Cibber (*Apology*, ed. Lowe, I, 195) states that Drury Lane opened on Easter Monday in April, a perplexing statement because Easter fell on March 24 in 1695. Hotson, p. 311, places the opening on the first Monday in April; Spencer, p. 117, dates it April 4.

²³¹ Macdonald, p. 164 n, and Summers, Downes, p. 250, give the opening date as April 29.

²³² Downes, p. 44, states that it was acted thirteen days successively.

²³³ A prologue "Spoken by Lord Bathurst, at Westminster-School. At a Representation of Mr. Dryden's Cleomenes, The Spartan Hero, At Christmas, 1695." Matthew Prior, *Dialogues of the Dead*, ed. A. R. Waller (Cambridge, 1907).

²³⁴ The evidence for this date is presumably a letter, Nov. 19, 1696, from Robert Jennens to Thomas Coke: "There has been for four or five days together. . . the Shame Doctor. . . with a great concert of music, representing the loves of Venus and Mars." HMC, 12th Report, Part II (London, 1888), Cowper Mss., II, 367.

²³⁵ This dating is presumably based on Robert Jennens' remark—see footnote 233—that "The other house has no company at all, and unless a new play comes out on Saturday revives their reputation, they must break." That play is assumed to be *The Relapse*, which was certainly acted on the following Wednesday.

(1696, continued)

S Dec 26. DL. 'The Relapse. Morgan.²³⁶

T Dec. 29. DL. Love's Last Shift. Hotson, p. 377.

1697²³⁷

S Jan. 2. DL. Timon of Athens. Hotson, p. 377.

F Jan. 22. DL. Aesop. Hotson, p. 377.

S Feb. 6. At Court (LIF). Love for Love. Rosenfeld, p. 449.

[S Feb. 20. LIF. The Mourning Bride.]²³⁸

T March 9. DL. The Prophetess. Hotson, p. 377.

S March 13. DL. The Indian Queen. Hotson, p. 377.

LIF: The Mourning Bride. HMC²³⁹

S March 27. DL. The Libertine. Hotson, p. 377.

M April 5. DL. Cynthia and Endimion. Hotson, p. 377.

Th April 8. DL. Psyche. Hotson, p. 377.

F April 23. DL. Oroonoko. Hotson, p. 377.

S May 8. DL. A Plot and No Plot. Hotson, p. 377.

M May 24. DL. Aesop. Hotson, p. 377.

T May 25. DL. The Tempest. Hotson, p. 377.

W May 26. DL. Don Sebastian. Hotson, p. 377.

Th May 27. DL. The Lancashire Witches. Hotson, p. 377.

M May 31. DL. The Sham Lawyer. Hotson, p. 377.

S June 5. DL. The Indian Queen. Hotson, p. 377.

T June 8. LIF. The Novelty. Summers, BRD, p. 90.

S June 12. DL. Oroonoko. Hotson, p. 377.

Th June 17. DG. The World in the Moon. Summers, BRD, p. 108.

F June 18. DL. Marriage a la Mode. Hotson, p. 377.

Th July 1. [?DG]. [The World in the Moon.] Rosenfeld, p. 449.

S Oct. 16. DL. Greenwich Park. Hook.²⁴⁰

M Nov. 1. Inner Temple (LIF). Love for Love. Nicoll, p. 385.

F Nov. 19. DL. The Scornful Lady. Hotson, p. 377.

F Nov. 26. DL. Timon. Hotson, p. 377.

²³⁶ W. T. Morgan and C. S. Morgan, *A Bibliography of British History (1700-15)* (Bloomington, Indiana, 1939), III, 525-26. In the *Encyclopedia Britannica*, 14th ed., XXVII, 880, the opening date is given as "Boxing Day 1696"; in the *DNB*, LVIII, 87, as "Boxing-day 1697."

²³⁷ The data in Hotson, p. 308, indicate 200 acting days in 1696-97 followed by 58 acting days by the young people in the summer of 1697.

²³⁸ In *MLN*, LVII (1942), 55-57, I have argued for this date.

²³⁹ John Coke to Thomas Coke, March 16, 1696/7: "The Mourning Bride was acted till Saturday, and was full to the last." HMC, 12th Report, Part II (London, 1888), Cowper Mss., II, 368.

²⁴⁰ Lucyle Hook, *Huntington Library Quarterly*, VIII (1945), 311.

S Dec. 4. DL. *The Prophetess*. Hotson, p. 377.

Th Dec. 9. DL. *Aesop*. Hotson, p. 377.

[Th Dec. 16. LIF. *The Italian Husband*.²⁴¹ Rosenfeld, PMLA, p. 127.]

S Dec. 18.²⁴² DL. *The Indian Queen*. Rosenfeld, p. 449.

1698²⁴³

W Jan. 5. DL. *The Relapse*. Hotson, p. 377.

S Jan. 15. DG. *The Prophetess*. Rosenfeld, p. 449.

T Jan. 18. DL. *The Country House*. Hotson, p. 377.

W Feb. 2. Inner Temple. *The Spanish Fryar*. Nicoll, p. 385.

M Feb. 7. DL. *King Arthur*. Hotson, p. 377.

Th Feb. 24. ? *The Rival Queens*. Rosenfeld, p. 449.

F Feb. 25. DL. *King Arthur*. Hotson, p. 377.

S March 19. DL. *King Arthur*. Hotson, p. 377.

T May 17. ? *Phaeton*. Rosenfeld, pp. 449-50.

M May 23.²⁴⁴ DL. *The World in the Moon*. Rosenfeld, PMLA, p. 144.

Th June 2. DL. *The Plain Dealer*. Rosenfeld, p. 450.

T July 5. DL. *The Tempest*. Rosenfeld, p. 450.

S July 9. DL. *Oroonoko*. Rosenfeld, p. 450.

S Nov. 19. DL. *Alexander*. Hotson, p. 377.

S Nov. 26. DL. *Oedipus*. Hotson, p. 377.

M Nov. 28. DL. *The Little Thief*. Hotson, p. 377.

1699²⁴⁵

S Jan. 28. DL. *Bonduca*. Hotson, p. 377.

Th Feb. 2. DL. *The Spanish Wives*. Hotson, p. 377.

F Feb. 3. DL. *King Lear*. Hotson, p. 377.

T Feb. 7. DL. *The Island Princess*. Hotson, p. 377.

S March 4. [?LIF]. *The Double Dealer*. Dryden, pp. 112-3.

S March 25. DL. *The Island Princess*. Hotson, p. 377.

S April 29. DL. *The Island Princess*. Rosenfeld, p. 451.

Th June 29. DL. *The Jovial Crew*. Hotson, p. 377.

²⁴¹ Miss Rosenfeld quotes an advertisement of this play which states that copies of the play will be "sold this evening in the Theatre," which might mean that the play itself was to be acted that night.

²⁴² Sometime shortly before this day *The Prophetess* was acted. See Rosenfeld, p. 449.

²⁴³ According to Hotson, p. 308, the acting days from Oct. 6, 1697, to May 19, 1698, were 161; from May 18 to July 10, 1698, 41 days; from July 10, 1698, to Oct. 10, 1698, 24 days, by the young people.

²⁴⁴ Miss Rosenfeld quotes an advertisement (May 21/24, 1698) of *The World in the Moon*, published, "as it was Acted last Night at the Theatre Royal."

²⁴⁵ Hotson, p. 308, gives the acting days from Oct. 9, 1698, to July 9, 1699, as 209 days, with the young people acting 27 days in the summer of 1699.

(1699, continued)

T Oct. 24. DL. The Committee. Hotson, p. 377.

S Oct. 28. DL. The Traitor. Hotson, p. 377.

T Nov 7. [?LIF]. Friendship Improved. Dryden, p. 124.

S Nov. 11. DL. Caius Marius. Hotson, p. 378.

T Nov. 21. DL. The Orphan. Hotson, p. 378.

T Nov. 28. DL. The Constant Couple. Hotson, p. 378.

Th Dec. 14. DL. The Marriage Hater. Hotson, p. 378.

S Dec. 16. DL. The Earl of Essex. Hotson, p. 378.

1700²⁴⁶

T Jan. 9. [LIF]. Henry IV. HMC.²⁴⁷

S Feb. 3. DL. Venice Preserved. Hotson, p. 378.

S Feb. 10. DL. The Relapse. Hotson, p. 378.

T Feb. 13. DL. The Constant Couple. Hotson, p. 378.

M Feb. 19. DL. The Grove. Hotson, p. 378.

T Feb. 27. LIF.: The Mourning Bride. R. W. Lowe, *Thomas Betterton* (London, 1891), p. 14.

[T March 5.²⁴⁸ LIF. The Way of the World. Hook.]²⁴⁹

[?M March 25. DL. The Pilgrim.²⁵⁰ Nicoll, 18th Century Drama, p. 361.]

[M April 29. DL. The Pilgrim. Sprague, pp. 89-92.]

Th May 2. DL. The Fox. Hotson, p. 378.

Th May 30. King's. The Tempest. Jackson, RES, p. 293.

S June 1. DG. The Prophetess. Jackson, PMLA, p. 820.

M June 3. DL. The History of Hengist. Nicoll, 18th Century Drama, p. 374.

²⁴⁶ Hotson, p. 308, gives the acting days from Oct. 9, 1699, to July 26, 1700, as 218, and acting days by the young people as 15 from July 26 to Oct. 12, 1700.

²⁴⁷ Matthew Prior to Abraham Stanyan, Jan. 8, 1699/1700: "Tomorrow night Betterton acts Falstaff, and to encourage that poor house the Kit Katters have taken one side-box and the Knights of the Toast have taken the other." HMC, Bath Mss (London, 1908), III, 394.

²⁴⁸ Lady Marow to Arthur Kay, March 12: "I have been at a play 'The Island Princess' which is mighty fine. 'The Way of the World,' Congreve's new play, doth not answer expectation." HMC, 15th Report, Part I, Dartmouth Mss, III, 145.

²⁴⁹ Lucyle Hook, *HLQ*, VIII (1945), 309, conjectures that this may have been the première of *The Way of the World*.

²⁵⁰ The date of the première of *The Pilgrim* has been a matter upon which scholars have disagreed. March 25 and April 29 have been suggested. Nicoll gives the former. Sprague, who discusses the matter fully, believes that April 29 is preferable, and Harbage accepts it. An additional factor not previously mentioned, I believe, is that M March 25 would fall in Passion Week, when the theaters customarily did not act.

- S June 8. DL. *The Pilgrim*. Jackson, PMLA, p. 820.
 S June 15. DL. *The Constant Couple*. Hotson, p. 378.
 T June 18. DL. *The Pilgrim*. Hotson, p. 378.
 F June 28. [DL]. *The Tempest*. Jackson, PMLA, p. 821.²⁵¹
 [LI.F]. *Love for Love*. Jackson, PMLA, p. 821.
 F July 5. DL. *Don Quixote, I & II*. Jackson, PMLA, p. 821.
 S July 6. DL. *The Pilgrim*. Jackson, PMLA, p. 820.
 M July 8. DL. *Sophonisba*. Jackson, RES, p. 294.
 T July 9. DL. *Courtship a la Mode*, 1st time. Jackson, PMLA, p. 822.
 S July 13.²⁵² DL. *The Constant Couple*. Jackson, PMLA, p. 817.

INDEX

This is an index to the plays listed in the calendar proper; it does not include the footnotes. The index does not distinguish between certain, conjectured, or doubtful performances; it simply lists the dates under which each play appears in the calendar.

Abdelazer. April 1, 1695.

Adventures of Five Hours. Dec. 15, 23, 1662. Jan. 8, 17, 1662. Feb. 2, 1663. Dec. 3, 1666. Jan. 27, 1669. Feb. 15, 1669. April 20, 1672. Jan. 31, 1674.

Aesop. Jan. 22, 1697. May 24, 1697. Dec. 9, 1697.

Aglaura. Dec. 28, 1661. Feb. 27, 1662. May 16, 1667. Jan. 10, 1668. Nov. 16, 1674.

Albion and Albanus. June 3, 6, 13, 1685.

Albumazar. Feb. 22, 1668.

Alchymist. June 22, 1661. Aug. 14, 1661. Feb. 13, 1662. Aug. 3, 1664. April 17, 1669. Nov. 12, 1674. Oct. 26, 1675.

Alcibiades. Sep. 22, 1675.

Alexander. *See* *Rival Queens*.

All for Love. Dec. 12, 1677. Jan. 20, 1686. May 9, 1694.

All's Lost by Lust. Mar. 23, 1661.

Ambitious Slave. Mar. 21, 1694.

Amorous Widow. Jan. 10, 1673. Feb. 4, 1673. Feb. 13, 1680. Jan. 11, 1683.

Amphitryon. Nov. 1, 1690.

Andromeda. Jan. 20, 1662.

Antipodes. Aug. 26, 1661.

²⁵¹ The phrasing of the advertisement which Jackson quotes is somewhat ambiguous, referring both to "yesterday" and "Friday" for these performances, but Friday seems to have been the day.

²⁵² According to the advertisement which Jackson transcribes, this day was intended to be the last one of acting at Drury Lane before the autumn of 1700. Luttrell, IV, 674, states under the date of August 6, 1700: "The lord chamberlain has ordered that no plays be acted for 6 weeks while the mourning continues."

- Antony and Cleopatra. Feb. 12, 1677.
 Argalus and Parthenia. Jan. 31, 1661. Oct. 28, 1661.
 Augustus Caesar. Jan. 29, 1676.
 Aurengzebe. Nov. 17, 20, 1675. May 29, 1676.
 Bartholomew Fair. June 8, 27, 1661. Sep. 7, 1661. Nov. 12, 1661. Dec. 18, 1661.
 Aug. 2, 1664. Sep. 4, 1668. Feb. 22, 1669. Nov. 30, 1674.
 Beggars' Bush. Nov. 7, 20, 1660. Jan. 3, 1661. Oct. 8, 1661. April 27, 1667. April
 24, 1668. Mar. 26, 1674. Dec. 1, 1686. Feb. 13, 1688.
 Black Prince. Oct. 19, 23, 1667. April 1, 1668.
 Bondman. Mar. 1, 19, 26, 1661. Nov. 4, 25, 1661. Apr. 2, 1662. July 28, 1664.
 Bonduca. Jan. 28, 1699.
 Brenoralt. July 23, 1661. May 12, 1662. Aug. 12, 1667. Oct. 18, 1667. March 5,
 1668.
 Brothers. July 6, 1662. Nov. 2, 1663.
 Bussy D'Ambois. Dec. 30, 1661.
 Caius Marius. June 10, 1693. Nov. 11, 1699.
 Calisto. Feb. 15, 16, 1675. Apr. 23, 1675.
 Captain. Apr. 2, 1677.
 Cardinal. July 23, 1662. Oct. 2, 1662. Aug. 24, 1667. Apr. 27, 1668.
 Careless Lovers. Mar. 12, 1673.
 Catiline's Conspiracy. Dec. 18, 19, 1668. Jan. 2, 13, 1669. Mar. 8, 1675.
 Chances. Nov. 24, 1660. Apr. 27, 1661. Oct. 9, 1661. Feb. 5, 1667. Dec. 30, 1682. Jan.
 27, 1686.
 Change of Crowns. Apr. 15, 1667.
 Changeling. Feb. 23, 1661.
 Changes. *See* Love in a Maze.
 Charles VIII. May 17, 1672. Sep. 17, 1672.
 Cheats. Mar. 20, 1663.
 Cheats of Scapin. Nov. 1, 1687.
 Cinthia and Endymion. Apr. 5, 1697.
 Circe. May 12, 1677. Nov. 7, 1690.
 Citizen Turned Gentleman. July 4, 8, 17, 1672. Aug. 16, 29, 1672. Oct. 3, 1672.
 Nov. 3, 1674.
 City Heiress. Jan. 20, 1683. Nov. 16, 1685.
 City Match. Sep. 28, 1668.
 City Politics. Jan. 20, 1683. Nov. 16, 1685.
 Claricilla. Dec. 1, 1660. July 4, 1661. Jan. 5, 1663. Mar. 9, 1669.
 Cleomenes. Apr. 16, 1692. Dec. 25, 1695.
 Coffee House. Oct. 5, 8, 15, 1667.
 Comical Revenge. *See* Love in a Tub.
 Committee. Nov. 27, 1662. June 12, 1663. May 13, 1667. Aug. 13, 1667. Oct. 28,
 1667. May 15, 1668. Feb. 8, 1669. Feb. 2, 1671. Nov. 11, 1675. Dec. 30, 1685.
 Feb. 2, 1686. Apr. 8, 1686. Nov. 17, 1686. Oct. 24, 1699.
 Commonwealth of Women. Aug. 20, 1685.
 Conquest of China. May 20, 28, 1675.
 Conquest of Granada. Jan. 10, 1671. Feb. 10, 11, 1671. Dec. 21, 1675.
 Constant Couple. Nov. 28, 1699. Feb. 13, 1700. June 15, 1700. July 13, 1700.

- Constantine the Great. Nov. 12, 1683.
Constantinople. Nov. 2, 1674.
Cornelia. June 1, 1662.
Counterfeits. May 28, 1678.
Country Captain. Oct. 26, 1661. Nov. 25, 1661. Dec. 13, 1661. May 18, 1667.
 Aug. 14, 1667. May 14, 1668.
Country House. Jan. 18, 1698.
Country Wife. Jan. 12, 15, 1675. May 16, 1676.
Country Wit. Jan. 10, 1676.
Court Secret. Aug. 18, 1664.
Courtship a la mode. July 9, 1700.
Coxcomb. Mar. 17, 23, 1669.
Custom of the Country. Jan. 2, 1667. Aug. 1, 1667.
Cutter of Coleman Street. Dec. 16, 1661. Aug. 5, 9, 1668. Nov. 17, 1672. Jan. 8, 1675.
Dame Dobson. June 1, 1683.
Dancing Master. Dec. 10, 1661.
Destruction of Jerusalem. Jan. 12, 18, 1677. Jan. 13, 1685.
Devil of a Wife. Mar. 4, 6, 1686.
Disappointment. Apr. 5, 1684. Jan. 27, 1685.
Discontented Colonel. *See* Brenoralt.
Doctor Faustus. May 26, 1662. Sep. 28, 1675.
Don Carlos. June 8, 1676.
Don Quixote. July 5, 1700.
Don Sebastian. Dec. 4, 1689. May 26, 1697.
Double Dealer. Jan. 13, 1694. Mar. 4, 1699.
Double Marriage. Feb. 6, 1688.
Duchess of Malfi. Sep. 30, 1662. Nov. 25, 1668. Jan. 13, 1686.
Duke and No Duke. Aug. 18, 1684. Nov. 3, 1684. Dec. 9, 1684.
Duke of Guise. Nov. 18, 30, 1682. Dec. 1, 1682.
Duke of Lerma. Feb. 20, 1668. Apr. 18, 1668.
Dutch Lover. Feb. 6, 1673.
Earl of Essex. Dec. 16, 1699.
Edward III. Feb. 4, 1691. Oct. 10, 1691.
Elder Brother. Nov. 23, 1660. Sep. 6, 1661.
Emperor of the Moon. Dec. 20, 1687. Nov. 24, 1691.
Empress of Morocco. July 3, 1673.
English Monsieur. July 30, 1663. Dec. 8, 1666. Oct. 29, 1667. Apr. 7, 1668.
English Princess. Mar. 7, 1667.
Epsom Wells. Dec. 2, 4, 27, 1672. Dec. 5, 1673. Feb. 20, 1680.
Evening's Love. June 12, 18, 19, 20, 22, 1668. Mar. 6, 1669. Feb. 16, 1686. Oct. 13, 1686.
Fair Maid of the West. Mar. 25, 1662.
Fairy Queen. May 2, 1692. Feb. 16, 1693.
Faithful Shepherd. Feb. 25, 1668.
Faithful Shepherdess. June 13, 1662. Oct. 12, 14, 1668. Feb. 26, 1669.
Fatal Jealousy. Aug. 3, 1672.

- Father's Own Son. Sep. 28, 1661. Nov. 13, 1661. Apr. 19, 1662.
- Flora's Vagaries. Nov. 3, 1663. Aug. 8, 1664. Feb. 14, 1667. Oct. 5, 1667. Feb. 18, 1668.
- Fond Husband. May 31, 1677. June 8, 1677. Nov. 1, 1684. Jan. 3, 1687.
- Fool Turned Critic. Nov. 18, 1676.
- Fox. *See* Volpone.
- French Dancing Master. Mar. 11, 1662. May 21, 1662.
- Friar Bacon and Friar Bungay. Oct. 21, 1662.
- Friendship Improved. Nov. 7, 1699.
- Friendship in Fashion. Apr. 5, 1678.
- General. Sep. 14, 28, 1664. Oct. 4, 1664. Apr. 24, 1669.
- Generous Portugal. *See* Island Princess.
- German Princess. Apr. 15, 1664.
- Ghosts. Apr. 17, 1665.
- Goblins. Jan. 24, 1667. May 22, 1667. Nov. 21, 1667.
- Grateful Servant. Feb. 20, 1669.
- Greenwich Park. Oct. 16, 1697.
- Grove. Feb. 19, 1700.
- Guardian. *See* Cutter of Coleman Street.
- Guzman. Apr. 16, 1669.
- Hamlet. Aug. 24, 1661. Nov. 26, 27, 1661. Dec. 5, 1661. Mar. 9, 1663. May 28, 1663. Aug. 31, 1668. Dec. 2, 1674. Apr. 30, 1686.
- Hannibal. Mar. 9, 1671.
- Hannibal's Overthrow. *See* Sophonisba.
- Heiress. Jan. 29, 1669. Feb. 2, 1669.
- Heir of Morocco. Mar. 11, 1682.
- Henry II. Nov. 9, 14, 1692.
- Henry IV. Nov. 8, 1660. Dec. 31, 1660. June 4, 1661. Nov. 2, 1667. Jan. 7, 1668. Sep. 18, 1668. Jan. 9, 1700.
- Henry V. Aug. 11, 13, 1664. Dec. 28, 1666. July 6, 1668.
- Henry VIII. Dec. 22, 1663. Jan. 1, 1664. Dec. 30, 1668. Sep. 3, 1672.
- Heraclius. Mar. 8, 1664. Feb. 4, 1664. Sep. 5, 1667.
- Herod and Mariamne. Oct. 28, 1673.
- History of Hengist. June 3, 1700.
- Horace. Feb. 4, 1668. Jan. 16, 19, 21, 1669. Feb. 15, 1669.
- Humorous Lieutenant. Nov. 29, 1660. Apr. 20, 1661. Mar. 1, 1662. May 7, 8, 1663. Oct. 20, 1666. Jan. 23, 1667. Jan. 2, 1685. Feb. 10, 1686. Nov. 24, 1686. Feb. 27, 1688.
- Humorous Lovers. Mar. 28, 30, 1667. May 6, 1667.
- Huntington Divertisement. June 20, 1678.
- Hyde Park. July 11, 14, 1668.
- Ignoramus. Nov. 1, 1662.
- Impertinents. *See* Sullen Lovers.
- Indian Emperor. Jan. 15, 22, 1667. Aug. 22, 1667. Nov. 11, 1667. Jan. 13, 20, 1668. Mar. 28, 1668. Apr. 21, 1668. May 12, 1674. Nov. 10, 1674.
- Indian Queen. Jan. 25, 27, 1664. Feb. 1, 5, 1664. Apr. 29, 1696. Mar. 13, 1697. June 5, 1697. Dec. 18, 1697.

- Injured Lovers. Feb. 6, 1688.
Island Princess. Nov. 6, 1668. Jan. 7, 1669. Feb. 9, 1669. Apr. 23, 1669. Dec. 17, 1674. June 7, 1675. Apr. 25, 1687. Feb. 7, 1699. Mar. 25, 1699. April 29, 1699.
Italian Husband. Dec. 16, 1697.
Jeronimo is Mad Again. Feb. 24, 1668.
Jovial Crew. July 25, 1661. Aug. 27, 1661. Nov. 1, 1661. Jan. 21, 1662. Jan. 11, 1669. Nov. 15, 1689. June 29, 1699.
Julius Caesar. Dec. 4, 1676. Apr. 18, 1687.
King and No King. Dec. 1, 1660. Mar. 14, 1661. Sep. 26, 1661. Feb. 15, 1662. May 6, 1669. Apr. 23, 1675. Oct. 20, 1685. Jan. 23, 1686. Dec. 9, 1686. Feb. 22, 1687.
King Arthur. Jan. 7, 1692. Feb. 7, 25, 1698. Mar. 19, 1698.
King Lear. May 4, 1687. Feb. 20, 1688. Feb. 3, 1699.
Knight of the Burning Pestle. May 5, 7, 1662.
Labyrinth. May 2, 1664.
Ladies a la mode. Sep. 14, 15, 1668.
Lady's Trial. Mar. 3, 1669.
Lancashire Witches. May 27, 1697.
Law against Lovers. Feb. 10, 15, 18, 1662. Dec. 17, 1662.
Libertine. June 15, 1675. May 18, 1682. Mar. 27, 1697.
Like Father Like Son. Mar. 20, 1682.
Little French Lawyer. Feb. 2, 1669. Feb. 2, 1670.
Little Thief. Apr. 2, 1661. Mar. 15, 31, 1662. May 19, 1662. Nov. 1, 1664. Nov. 28, 1698.
London Cuckolds. Nov. 22, 1681. Feb. 2, 1682. Nov. 25, 1682. Dec. 14, 1682. Sep. 12, 1694.
Lost Lady. Jan. 19, 28, 1661.
Love and Honour. Oct. 21, 23, 25, 1661. Nov. 1, 11, 1661.
Love and Revenge. Nov. 9, 1674.
Love at First Sight. Nov. 29, 1661.
Love Despised. Aug. 17, 1668.
Love for Love. Apr. 30, 1695. Feb. 6, 1697. Nov. 1, 1697, June 28, 1700.
Love in a Maze. May 17, 1662. June 10, 1663. Feb. 2, 1665. May 1, 1667. Feb. 7, 1668. Apr. 28, 1668. May 11, 1674. Nov. 24, 1674.
Love in a Tub. Apr. 27, 1664. Jan. 4, 1665. Oct. 29, 1666. Apr. 9, 1667. Dec. 28, 1667. Feb. 2, 1668. Apr. 29, 1668. Aug. 17, 1672.
Love in the Dark. May 10, 1675.
Love Lies a Bleeding. *See* Philaster.
Love's Cruelty. Nov. 15, 1660. Feb. 6, 1662. Dec. 30, 1667. Apr. 14, 1668.
Love's Last Shift. Dec. 29, 1696.
Love's Mistress. *See* Queen's Mask.
Love's Mystery. Nov. 12, 1660.
Love's Quarrel. Apr. 6, 1661.
Love's Tricks. *See* School of Compliments.
Loyal Brother. Feb. 7, 1682.
Loyal Subject. Aug. 18, 1660.
Lucius Junius Brutus. Dec. 8, 9, 10, 1680.

- Macbeth. Nov. 5, 1661. Dec. 17, 28, 1666. Jan. 7, 1667. Apr. 19, 1667. Oct. 16, 1667. Nov. 6, 1667. Aug. 12, 1668. Dec. 21, 1668. Jan. 15, 1669. Feb. 18, 1673. Aug. 28, 1675. Feb. 16, 1682. Feb. 8, 1686.
- Mad Couple. Sep. 20, 1667. Dec. 28, 1667. July 29, 1668.
- Mad Lover. Feb. 9, 1661. Dec. 2, 1661. Feb. 18, 1669.
- Madam Fickle. Nov. 4, 1676.
- Maiden Queen. Mar. 2, 5, 14, 25, 1667. Apr. 18, 1667. May 24, 1667. Aug. 23, 1667. Jan. 4, 24, 27, 1668. Jan. 1, 13, 1669. Feb. 2, 1669. Dec. 5, 1676. Dec. 15, 1686.
- Maid in the Mill. Jan. 29, 1661. Jan. 29, 1662. Apr. 1, 1662. Sep. 10, 1668.
- Maid's Tragedy. Nov. 17, 1660. May 16, 1661. Feb. 25, 1662. Dec. 7, 1666. Feb. 18, 1667. Nov. 23, 1667. Apr. 15, 1668. May 9, 1668. Apr. 6, 1687.
- Man of Mode. Mar. 11, 1676. Apr. 18, 1676. Feb. 17, 1680. Nov. 30, 1685.
- Man's the Master. Mar. 26, 1658. Apr. 23, 24, 1668. May 7, 1668. Aug. 9, 1673.
- Marriage a la mode. Apr. 23, 1674. June 19, 1675. June 18, 1697.
- Marriage Hater. Dec. 14, 1699.
- Massacre of Paris. Nov. 7, 1689.
- Merry Devil of Edmonton. Aug. 10, 1661. Jan. 6, 1662.
- Merry Wives of Windsor. Nov. 9, 1660. Dec. 5, 1660. Sep. 25, 1661. Aug. 15, 1667. Dec. 17, 1675. Dec. 31, 1691.
- Midsummer Night's Dream. Sep. 29, 1662.
- Mistaken Beauty. Nov. 28, 1667.
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